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POLITICAL AND PARTY ASPECTS OF THE NATIONAL JUDICIARY 1801-1835

BY DON ENSMINGER MOWRY

I—Introduction

IN our political and party treatment of the national judiciary during its formative period, an attempt was made to show the lack of knowledge on the part of the political factions, of the true meaning and force of the written laws which created a supreme tribunal. An effort was made to contrast the political discussions so evident at the time these organizations took on some definite shape. Early interpretations were considered in order to elucidate the diversity of such political beliefs.

It became perfectly evident, during the latter part of this formative period, that ultimately the growing political rancor would result in the complete overthrow of our "least powerful branch of the government," or in its complete triumph over the legislative and executive branches of the federal government. We saw that Jeffersonian jargon about liberty, equality, and the rights of the people, was finally victorious in 1801. Under the new regime, the shaping and forming of the judiciary upon a lasting foundation (if it was ever to be thus), was the then thankless and unenviable task of the Federal chief justice, John Marshall.

There was no real definition as to the exact extent and limitations of the judiciary. But the bold, fearless, and aggressive acts[1] of President John Adams, just previous to his retirement from office, clearly indicated, to the average politician, that there was more hidden power in this branch of the government than was consistent with popular rights. The general opinion seems to have been that the department was to be whatever it declared

1. I refer to the appointment of the "midnight judges."

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itself to be. The intrepid Jeffersonians were fully determined to check, at any cost, this growing tendency toward independence. Their efforts were not characterized by any marked successes during the early period of the judiciary. Perhaps the greatest direct result of their activities was the unbounded interest which was soon manifested in the Democratic-Republican cause. This growing restless spirit, which did much to render decisions of the supreme court futile, readily received the Kentucky and Virginia resolutions. These expositions, typical of the growing movement, made it almost an impossibility to give weight to such judicial decisions. And it was only after a long period of intense factional strife, culminating at the completion of Jefferson's administration, that any character was to be substantially given to the supreme tribunal.

The early[2] opinion and belief that the least dangerous branch of the general government was the judiciary, was no longer upheld. With the close of the Adams administration, a radical change had been almost instantly wrought with respect to the department. A general and seemingly just view was held by Federalists as well as Republicans, that the defeated party had retired into the judiciary, where it expected to exercise constitutional checks over the other branches, directly controlled by the victorious Democratic-Republicans. What could be more distasteful to the successful opposition than this?

The Chisholm case[3] in the eleventh amendment indicated that there were not a few popular politicians who, attempting often earnestly to curry political favor, did not intend to have the judiciary control their political views. This act indicated, even more clearly, that the legislature would take aggressive steps to assert its superiority.

The measures taken by the Federalists to secure and maintain supremacy, by the aid of the judiciary, forced the department to become a factor in the political arena for many years to come. If Federal supremacy was more powerful when the tribunal was an auxiliary to the executive, the Republicans were more anxious to employ similar methods in building up the so-called, "government of the people."

2. 1790-1792.
3. "Life and Writings of A. G. Dallas," by G. M. Dallas, vol. 2, p. 419.

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The material strength of the popular party, at the close of the period ending in 1801, made the coming struggle for judicial interpretation almost a radical assertion of the subserviency of the Federal to the State court. The oppressive opposition to the tribunal was greatly enhanced by the split in the Federal ranks. This disunion and discontent was the resultant of a complication of kindred causes which gave to the Republican faction a much coveted opportunity for prompt action. Attempts were made, therefore, to place the supreme tribunal on a new political basis—to destroy its complete independency and make it dependent upon the legislature.

II—Marshall and His Problem

In former fragmentary treatments of the national judiciary, little significance has been attached to the department when John Marshall was appointed chief justice in 1801. The problems were, indeed, perplexing. New questions of political science were to be solved and their solution was so complete and convincing that few of our American students realize what Professor Bryce calls "that immense complexity which startles and at first bewilders a student of American institutions."[4] It can be quite truthfully said that the fate of our national judiciary hung in a balance in 1801.[5]

Marshall, in the political sense of the word, was no politician. This fact is amply illustrated by his life long connection with Judge Story, an active Republican. Marshall was in the judicial chair, first and last, to decide questions of law according to the constitution, not according to any political bias. "That this court dares not usurp power," he says, "is most true. That this court dares not shrink from its duty is no less true."

From the establishment of the judiciary in 1789, until the end of Adams administration, there were but six cases of any political or constitutional importance. During the succeeding period, from 1801 to 1835 ,there were no less than sixty-two cases, all of a momentous character. It must not be overlooked

4. "The American Commonwealth," by J. Bryce vol. 1, pt. 1, chapter II, p. 14.
5. "The Constitutional History of the United States," by F. N. Thorpe, vol. 2, p. 458.

that these cases, prior to 1801, were made a part of judicial interpretation before the constitution had taken a decided stand with reference to the inner workings of the government.

The creation of a national judiciary, as well as a national government, by the terms of a written paper, was a mere novelty, a daring experiment, before 1801.[6] The difficulties and interpretations that of necessity must arise, sooner or later, were destined to be worked out to a successful culmination by the appointment of a man[7] who had never filled any judicial station before that of chief justice. The step taken by Adams was a bold one, for it later appeared that the chief justice was in the habit of reaching conclusions where books could furnish him little aid in the solution of the problems presented to him for consideration.

What were, then, the questions of the day which presented themselves for consideration. A careful investigation seems to indicate that there were four main issues. First: Is the federal government the final judge of the extent of its own powers under the constitution? Second: Is the supreme court a subsidiary tribunal which must take the law from congress, presidents, or from state tribunals, or is it an independent tribunal endowed with full power to finally construe the constitution and judge of its own jurisdiction? Third: Is the federal government a sovereign nation, established by, and acting upon, the people, or is it a mere compact—whereof no common and final judge is provided? Fourth: Is the federal union perpetual, or may it be at any time dissolved by the action of one or more of its numbers?

Jefferson's long and active hostility to Marshall made an administrative clash between the two Virginians inevitable. The attitude of Jefferson, at his inauguration, indicated that Marshall was to be defied and humled. That Jefferson contemplated shelving the chief justice can not now be doubted by careful students of this epoch.

Jefferson's often quoted phrase indicated that the judiciary

6. "John Marshal," by A. B. Magruder, p. 161, *et seq.*

7. Marshall was secretary of state until the end of the Adams administration in March, 1801. On the resignation of Ellsworth and the reclination of Jay he was appointed to the chief justiceship.

was to be of little real importance, under the new administration except to further Republican political ambitions. He earnestly believed, we think, that the judiciary could only act when called upon to do so. "It has neither force nor will," he says "and must ultimately depend on the executive arm even for the efficiency of its judgments."[8]

The releasing[9] of all prisoners that had been imprisoned under the alien and sedition laws,[10] was symbolic of the tenor of the new administration. Certainly, the judiciary was not to be placed at the apex of the political pyramid. It was to be humbled, to be made dependent upon the other branches of the general government.

The very conception of the judiciary was at war with Republican ideals and current political speculation. Was this branch to be independent of the legislature—the people? A man, as chief justice, appointed by one generation, was he to interpret laws for another? The whole system was wrong, and the solution of any question that left the court free to interpret the constitution was unrepublican.[11] To the loyal Republicans,[12] there was just cause for hostility to the judiciary. Had not the tribunal attacked the idea of state sovereignty? Had it not asserted itself as the final arbiter? Were not the judges independent of the people? What was the Judiciary Act of 1801, if it was not a piece of defiant legislation?[13]

Thus, Chief Justice John Marshall was confronted with the hostility of the executive and legislative branches of the government when he entered upon the duties of his office. Two solutions of the question were presented. He must either render his decisions independent of the new administration, and in accordance with the law, as he saw it; or he must become a tool of the new power. The hopeful Republicans believed that "pressure" could be broubht to bear, and, ultimately, the chief jus-

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8. "The Federalist." No. 78.
9. Randolph "Works," vol. 4, p. 23.
10. American Historical Magazine, vol 3, p. 92 *et seq.*
11. "Political Parties," by Gordy, vol. 1, p. 357.
12. There was a certain element, however, that did not oppose the judiciary as it then was.
13. "A History of the People of the United States," by J. B. McMaster, vol. 3, pp. 163-4.

tice would not attempt to exact the full measure of the laws as the Federalists saw it.

III—Marbury *v* Madison. 1803

It has been the general opinion that the case of Marbury *v.* Madison[14] was the first of its kind to bring before the people the question of the constitutionality of a law. Five years before Chief Justice Marshall rendered his famous decision, Justice Iredell of North Carolina made a clear and comprehensive statement, in the case of Calden *v* Bull,[15] that throws some light upon this general false impression. He says: "If an act of congress, or of the legislature of the state, violates those constitutional provisions, it is unquestionably void, though I admit that as the authority to declare it void is of a delicate and awful nature, the court will never resort to that authority but in a clear and urgent case."[16]

Marbury was one of the "midnight judges," having been appointed to one of the circuits by President Adams the night before his retirement. Marbury's appointment had been confirmed by the senate, his commission had been signed by the President and passed under the seal of the state department. But before it was delivered, the administration changed. Jefferson gave his secretary, James Madison, instructions not to deliver the commission.

Marbury commenced suit to compel the delivery of his commission. He asked the senate for a copy of the "executive Journal," in order to verify his claim. By refusing the journal, the senate showed that it intended to keep aloof from the coming controversy between the executive and the judicial departments.[17] Marbury then asked for a writ of mandamus, to compel the delivery. The question instantly arose: Did the court possess original jurisdiction in cases except those fixed by the constitution?

It was held that the power and duty granted by the constitu-

14. "Reports of the Supreme Court," by William Cranch, vol. 1, p. 137.
15. "Life and Writings of A. J. Dallas," by G. M. Dallas, vol. 2, p. 286.
16. *American Law Review*, vol. 30, p. 360.
17. "Annals of Congress," vol. 12, p. 40.

tion to the judiciary extended only to "cases arising under the constitution and laws of the United States." The judiciary was not instituted primarily or secondarily to deal out political advice. It could only legally and properly exercise its prerogative when a "case" arose involving a question of the validity of the law.[18]

III—Marbury *v.* Madison. 1803

From a constitutional point of view, there were two questions to be considered. Whether the authority thus given to the supreme court, by the said act, to issue writs of mandamus to public officers, was warranted by the constitution; and, if not, whether the court was competent to declare void the act which undertook to confer the authority.

Jefferson deemed the delivery of the commission essential to the completion of the deed[19] His open assertions regarding Marshall's "twistifications" and "cunning sophistries with which he was able to enshroud himself," indicate to what extent the new president was ruled by judicial logic.[20] He attacked the permanency of the judiciary as a political evil.[21] He had no other object in view than to decrease the importance of the department, and its chief, especially. To win popular support, he clung to the following Republican truth with dogged tenacity. "A judiciary department independent of a king or executive alone is a good thing; but independent of the will of the nation is a solecism, at least in a republican government[22]

While the intense hatred which Jefferson had for Marshall can hardly be exaggerated, he never openly accused Marshall of wilful or intentional error. He did say, however, that judges should be removed whose erroneous biases were leading toward dissolution.[23] The very idea of cooking up opinion in conclave begot suspicion. There was a mistrust that something was being done which would not bear the light of publicity.[24]

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18. *American Law Review,* vol. 30, p. 362 *et seq.*
19. "The Works of Thomas Jefferson," vol. 7, p. 135.
20. "The True Thomas Jefferson," by W. E. Curtis, p. 78.
21. Ibid, p. 305.
22. "The Life and Writings of Thomas Jefferson," by S. E. Forman, p. 273.
23. "The Works of Thomas Jefferson," vol. 1, p. 113.
24. "The Case Between Jefferson and Marshall," by U. M. Rose. p. 23.

In its vindication of the power of the court to declare an act of congress void for some constitutional reason, the judiciary encountered severe political resistance, both from the legislature and the executive. Yet the court went a step farther and asserted the duty and power of the judicary to compel obedience to the law in all matters not political or discretionary, even by the highest executive officers. The decision established principles on which all present views of constitutional law rest. The constitution had, then, created a government of laws, destined to rest on a firm footing. But the open defiance, on the part of Jefferson, at the time of the decision, made the outlook doubtful. Jefferson did not consider the ruling binding because of the want of jurisdiction in the court that rendered it.[25] Was not each branch independent? Were not questions of the constitutionality of a law to be decided by each department as it saw fit.[26]

Yet Marshall did not come directly in conflict with Jefferson upon great constitutional issues. The collision was truly a political one. Marshall sought to terminate a controversy, not to excite one, and his humiliation, at the failure of the "midnight appointments,"[27] with the repeal of the act establishing the circuit courts, made him almost believe that there was little real importance to be attached to the tribunal. An extract from his opinion in this case expresses, not only his clear logic, but shows the real essence of the whole case.

"When the heads of departments are the political or confidential agents of the executive, merely to execute the will of the president, or rather to act in cases in which the executive possesses a constitutional or legal discretion, nothing can be more perfectly clear than that their acts are only politically examinable. But when a specific duty is assigned by law, and individual rights depend upon the performance of that duty, it seems equally clear that the injured has a right to resort to the law of his country for a remedy."[28]

The decision never executed, the principle was destined to

25. Ibid, p. 20.
26. "The Constitutional History and Government of the United States," by J. S. Landon, p. 231.
27. "Thomas Jefferson," by J. Schouler, p. 231.
28. "Reports of the Supreme Court," by William Cranch, vol. 1, p. 166.

regulate all later interpretations of the functions of the judiciary.[29] The lasting effects of this decision rapidly became important. Very soon after the retirement of Jefferson, the "Marbury Case" was frequently cited.[30] A peaceful settlement of the controversy was not made possible at this time. The most disturbing questions with referenc to the judiciary remained unsettled. The authority of the department was not recognized, and effective work was seriously retarded.

IV—Repeal of the Judiciary Act of 1801

The affair of the "midnight judges" had, ever since the election of Jefferson, been a subject of detestation in the eyes of the new Republicanism. It was thought that a counterstep must be taken to humble the judiciary and those party leaders who had caused the enactment of the recent law. The Republican majority in congress seemed to make such a step possible, but there were several points of constitutionality which made the conversative politicians doubtful as to the expediency of so doing.

Jefferson, in his first message, was eager for the conflict, but he was not over aggressive, simply saying: "The judiciary of the United States will, of course, present itself to the contemplation of Congress.[31] The reason for this conservatism is quite obvious. A letter[32] of Jefferson's, published recently, leaves no doubt but that he intended to rule the judiciary, and his apparent backwardness at this time was but a political venture.

The Federal idea was one which contemplated the complete independence of the legislative and judicial branches of the general government.[33] This minority thought that there was imminent danger of the states passing laws inconsistent with the spirit of the constitution. The executive, vested with specific

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29. "The Constitutional History of the United States," by F. N. Thorpe, vol. 2, p. 468.
30. *American Law Review,* vol. 35, p. 69.
31. "A Compilation of the Messages and Papers of the Presidents," 1789-1897, vol. 1, p. 331.
32. "Life and Letters of George Cabot," by Henry Cabot Lodge, pp. 338-339.
33. "Annals of Congress," vol. 10, p. 97.

power, might usurp powers even beyond the ample construction of the law.[34] True it was that the powers and limitations of the constitution had been discussed with partisan heat during the recent campaign. Yet the growing question as to whether the judiciary was to be an arm of the legislature was not given final consideration until after the campaign was over.

Before the election of Jefferson, so little importance was attached to the tribunal that Jay thought himself going to rust in the judiciary department,[35] and preferred to be Governor of New York. But the retractive measures of the Federalists, just after their defeat, placed the department in its true political light. The question became a vital one. Was the judiciary to be a co-ordinate branch?

Mr. Breckenridge, of Kentucky, spoke on the repeal of the measure: "The judicial powers given to the federal courts," he says, "were never intended by the constitution to embrace, exclusively, subjects of litigation, which could, with propriety, be left with the State courts. Their jurisdiction was intended principally to extend to great national and foreign concerns."[36]

Mr. Giles seriously feared the monarchial tendency, so conspicuous in the judiciary.[37] A true Democrat might have said that he wanted an elective judiciary, or would have insisted that the whole judiciary must be made subject to removal by the legislature. [38]

The general belief was that the judiciary law of the last session had arisen as the result of a disposition to provide for the warm friends of the then existing Administration.[39] If one legislature had a right to pass such a law, why did not another have equally the same right to repeal such legislation? But could the act be repealed? Judges once appointed, were appointed for life. The sum of the argument for the repeal divided itself into two main heads. First, the expediency of repealing the law contemplated in the resolution. Second, the constitutional power of Congress to repeal that law. Arguments for

34. "John Marshall, by J. F. Dillon, vol. 1, p. 474.
35. Ibid, vol. 1, p. 476.
36. "Annals of Congress," vol. 11, p. 26.
37. "A History of the United States," by Henry Adams, vol. 1, p. 292.
38. Ibid, vol 1, p. 297.
39. "Annals of Congress," vol. 11, p. 36.

the repeal were urged on purely political grounds, and the assertion was made, with some direct force, that members were elected to repeal the act. "Why guard against the power to deprive these new judges of their pay in a diminution of it, and not provide against what is of more importance, their existence."[40]

Senator Morris, of New York, was active in his opposition to the repeal.

"What will be the effect," he says, "of the desired repeal? Will it not be a declaration to the remaining judges that they hold their office subject to your will and pleasure? It will be that the check established by the constitution, wished for by the people, and necessary in every contemplation of common sense, is destroyed."[41]

But this was the condition desired by the Republicans, and Senator Morris' argument was turned with the desired effect.

The southern view on the repeal of the act was not uniform. Senator Jackson, of Georgia, seemed undecided, while Calhoun was highly opposed to the proposed measure. He thought the judges, after the repeal, would be little more than creatures of the legislature, subject to its whims, caprice, and party spirit. There would then cease to be a check or barrier between the legislature and the people, in cases of unconstitutional acts and abuse of power.[42]

Mr. Dana, of North Carolina, was pleased that our country would now be checked from party triumph.[43] He must have been either utterly ignorant of the general conditions of the times, or deeply effected by his own party sentiment. Randolph was anxious to know if the judiciary was a co-ordinate or paramont department of the government.[44]

The Federal argument was placed in the main, upon this point—that the judiciary was a check on the legislature, and, by the spirit of the constitution, it ought to be independent beyond

40. Ibid, vol. 11, p. 33.
41. Ibid, vol. 11, p. 50.
42. "Annals of Congress," vol. 11, p. 144.
43. Ibid, vol. 11, p. 479.
44. Ibid, vol. 11, p. 520.

the control or influence of the other departments of power.[45] It was the judiciary only which could reach the person, the property, and the life of the individual.

There was an element, opposed to radical measures, that was entirely out of sympathy with the agitation. It was zealous to abolish the existing dangerous pretentions which were threatening, almost to perdition, our best securities against future oppression. Party triumph had too long predominated, they contended, and it was time that it should cease; for a long continuance of such management would only entangle us in an endless labyrinth of confusion.[46]

But the party affiliations were stronger than had at first been thought, and the repeal,[47] was passed on strict party lines.[48] The conservative wing of the Repubilcan party, strong but not powerful, brought about a supplementary act, which may have been for the purpose of preventing Chief Justice Marshall from declaring the abolition of these circuit courts unconstitutional.

The first political move, to gain control of the supreme court, was a decided victory for the Republicans, and the department seemed powerless. It looked as if the legislature, through the aid of the executive, was to dictate to the judiciary branch of the general government. It was believed by many partisans of the day that the people had secured a victory.

V—Republican Trials

1. Judge Pickering, 1804.

The conviction of Judge Pickering in 1804, on a mere inquest, of high crimes and misdemeanors,[49] was only a prelude to the trial of Samuel Chase. That Judge Pickering deserved such censure, on account of his bad habits, is true. This trial seemed to have decided whether it would pay any party to make an open attack upon the judiciary.[50] In the eyes of Randolph, Macon, Giles and Nicholson, this action was simply a declaration that

45. Ibid, vol. 11, p. 574.
46. Ibid, vol. 11, p. 479.
47. March 2, 1802.
48. Vote: 59 to 32.
49. "Annals of Congress," vol. xiii, p. 357.
50. "Southern Statesmen of the Old Regime," by W. P. Trent, p. 127.

the judge held dangerous opinions which made his removal a necessity. The Senate, however, was not to be considered a court of justice, but a part of the constitutional machinery, to make political appointments and removals.[51]

The National Intelligencer,[52] expressing a Federal view, contended that the Republicans did wrong to convict Judge Pickering on the charges of high crimes and misdemeanors, when they knew of his intemperance. Nothing was said respecting the political significance of the trial. The case attracted little attention, for the general character of the Judge was known.

2. Judge Samuel Chase, 1804.

After the defeat of the Federalists, Judge Samuel Chase appended to his charges to the grand juries of his circuits such political disquisitions as the fortune of affairs might seem to demand.[53] He was, indeed, imbued with the party spirit, and if ever a man deserved to be impeached for political bias, Judge Chase was that man.

The Jeffersonians saw in him a radical type of what the entire department might in time become, and it was for this reason that active steps were taken to bring about his removal. This political manoeuvre to place another man in the seat, was met with some favor even in the Federal ranks, for Judge Chase has taken undue advantage of his position and had exerted political power unbecoming to his office. Perhaps one thing that excited the open Republican hostility against him more than any thing else, was a speech which he delivered to a grand jury,[54] wherein he berated the Republicans for having repealed the Judiciary Act of 1801. This fact offered a narrow foundation for urging his impeachment.[55]

The effort to impeach Judge Chase, viewed in the light of future history, was little less than a preparatory step for a general onslaught upon the bench. The trial made no secret of Republican ideas, i. e. that the judiciary was a political body removable at will. Jefferson believed that the recent actions

51. "John Randolph," by Henry Adams, p. 133.
52. May 9, 1804.
53. "The History of the United States," by R. Hildreth, vol. 5, p. 511.
54. "Annals and Pleas for his Defence," by S. Chase. (Phila. 1805.)
55. "Thomas Jefferson," by J. T. Morse, p. 263.

of Judge Chase clearly indicated that the department was a body like gravity, ever acting with a noiseless foot, and unalarming advance, gaining ground step by step, engulfing insidiously the special governments into the jaws of that which fed them.[56]

Mr. Elliot, of the House, remarked during the discussion on a proposed bill to bring about the trial of Judge Chase:[57]

"I am of the opinion that this house possesses no censorial power over the judicial department generally, or any judge in particular. They have alone the power of impeaching them; and when a judge shall be charged with flagrant misconduct, and when facts are stated which shall induce them to believe those charges true, I shall be at all times prepared to carry the provisions of the constitution into effect."[58]

Mr. Lowndes expressed quite clearly the gist of the trial when he said:

"Suppose parties to be nearly equally divided; a member has only to propose an inquiry into the conduct of any officer to whom he may feel inimical, and thereby throw a cloud upon his character, and render him the object of suspicion. * * * Thus do I fear that this precendent will furnish the instrument of vengeance of one party against another. The price we pay for our liberities is the existence of parties among us; but it becomes us rather to restrain than invigorate their passion"[59]

The trial of John Fries[60] was one of the subjects around which the Republican argument centered. The conduct of Judge Chase in this case was censured severely. The testimony[60] of

56. "Work of Jefferson," vol. 10. p. 185.
57. "Trial vid., "Annals of Congress," vol 14, pp. 81-676.
58. "Annals of Congress," vol. 13, p. 807.
59. "Annals of Congress," vol. 13, pp. 825-6.
Vid., Answer and Pleas," by S. Chase, p. 13.
60. Testimony of Mr. Lewis: "That Judge Chase, at the moment when Fries was placed at the bar, handed or threw down to Mr. Caldwell, the clerk of the court, one or more papers, and at the same time delivered himself, in substance, as follows: That he understood, or had been informed, that on the former trial or trials, there had been great waste of time, by counsel making long speeches to the jury on the law as well as on the facts, and on matters which had nothing to do with the business before the court; and he particularly noticed, in strong and pointed terms of disapprobation, their having read, and I think having been permitted to read, certain parts of certain statutes of the United States, relating to crimes less than treason, in order to show that the prisoner's case came within them, and

Mr. Lewis throws much light upon the methods employed by Judge Chase at the bar. But the question was raised by the defenders of the judge that if one of the judges of that court was guilty of misconduct, the other[61] attending judge must of necessity be equally guilty.[62] Fries was pardoned in 1801. Why was not the inquiry then made? If it should be argued that it would have been impudent to make such a charge when the Federalists were in power, why was it not made in the seventh Congress.[63] How could this high regard for the department, which Republicans professed, be justified?[64]

In his "Answers and Pleas," Judge Chase says: "Courts of justice must regulate themselves by legal principles, which are fixed and universal; not by delicate scruples, which admit of endless variety, according to the varying opinions and feelings of men."[65] In fact, the superior argument of the judge was one of the causes for the failure of his impeachment. Randolph, the prosecutor, was unable to fathom the long and intricate argument, although he was a lawyer of no mean repute.

Judge Chase was not convicted. A failure to get two-thirds of the senate destroyed the Republican hopes. As a result of this trial, Jefferson came out with a proposal in favor of changing the constitution so that a person might be convicted by the concurrance of a majority of both branches of the legislature.[66] This constitutional change would have given to congress, an ap-

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which he said he, or the court, (I do not recollect which), would not suffer to be read again, as they had nothing to do with the question. He added that we are judges of the law and understand it, or we are not fit to sit here; that cases at the common law, or under the statute law of England previous to the English revolution, had nothing to do with the question, and that they would not suffer them to be read; that they had made up their mind on the law, and had reduced it to writing, and that the counsel might conduct themselves according, (or conformably to it), he or they had ordered copies to be made, and one of them to be delivered to the counsel in support of the prosecution, and another to the prisoner's counsel, and that as soon as the case was opened or gone through on the part of the prosecution, he or they, (I am not certain which), should order one to be delivered to the jury. He also added that, if we had any fault to find with the opinion of the court, or had anything to say on the law, to show that they were wrong or had mistaken it, we must address ourselves to the court, and not to the jury," "Annals of Congress," vol. 13, p. 1172.

61. Judge Peters.
62. "Annals of Congress," vol. 13, p. 823.
63. This was the eighth.
64. "Annals of Congress," vol. 13, p. 837.
65. "Answers and Pleas," p. 35.
66. "Works of Thomas Jefferson," vol. 10, p. 198.

peal from the supreme court, and ultimately have lead to confusion and disaster.

The amendments that were introduced in congress after this trial, to make impeachment easy and effective, are indicative of the former spirit manifested in the eleventh amendment. That these proposed changes were but the result of the Republican discontent, every student of our political institutions will admit.[67]

This affair was the last fight of the Jeffersonian Republicans, and wavering under the defeat, they broke into factions which slowly forgot their open hostility to the judiciary. That such a battle must be fought, in order to attempt to control the department, was generally believed by most Republicans up to this time.

3. Aaron Burr, 1807.

It would be out of place for us to attempt at this time any discussion of the trial of Aaron Burr. The general facts of the trial are, perhaps, worthy of brief consideration. Aaron Burr was indicted for treason against the United States. It was affirmed that he was attempting, by his mustering of men out in the west, to wage war upon the United States, and ultimately establish a free and independent government west of the Mississippi.

The President had always hated[68] Colonel Burr and was not loath to push this trial after the matter was fairly presented to him. The political relations between the two men had tended to increase their estrangement. In 1804 Jefferson says: "I had never seen Colonel Burr till he came as a member of the senate. His conduct very soon inspired me with distrust. I habitually cautioned Mr. Madison against trusting him too much.[69]

Colonel Burr was indicted for treason, yet the only overt act brought against him was the levying of war. The constitution forbids conviction for treason unless it be on the testimony of two witnesses to such an overt act. Colonel Burr was not in

67. "History of American Politics," by A. Johnston, p. 59.
68. "History of the United States," by Henry Adams, vol. 3, p. 447.
69. "Memoirs of Aaron Burr," by D. M. L. Davis, vol. 2, p. 140.

Virginia when the act was committed. The opposition offered proof to connect him with those who were there. Chief Justice Marshall, who presided at the trial, held that Burr, being neither actually nor legally present, could not be convicted of the overt act charged in the indictment.

It was the paramont duty of the judiciary to say and determine the law. The supremacy of written law, was asserted in the trial.[70] The law of the constitution was laid down that in determining what shall be the supreme law, the constitution itself comes first, and those laws only, which are made in pursuance of it. The doctrine was essentially new, and the American judiciary was placed in a position unparalleled in history.

Chief Justice Marshall seemed to desire to protect Aaron Burr. He laid down the law, and strained the admission of testimony, so that prosecutions for treason against the United States must since have been scarcely worth attempting, on the strength of such a precedent. The summons, which was issued by the court to the president, was not heeded. Marshall was wise enough not to press the matter, and future courts have not issued mandates to the president.[71] It would almost appear that the Federalists made Burr's cause their own. When Burr was not convicted of the charge of treason, the Republicans were greatly disappointed. To give the absolute power of deciding the constitutionality of an act was making the judiciary a despotic branch. Jefferson felt that all attempts to break down the bull-dog of Federalism (Marshall) had failed.[72] But was this real federalism, or merely the assertion of the independence of the judiciary department?

The Republican sentiment after the trial can be summed up in the words of Jefferson. He says:

"If there ever had been an instance in this or preceding administrations, of federal judges so applying principles of law as to condemn a Federal or acquit a Republican offender, I should have judged them in the present case with more charity.

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70. "The Constitutional History of the United States," by F. N. Thorpe, vol. 2, p. 468.

71. Yet Jefferson did not refuse to send the desired papers to the court.

72. In a letter to Rodney, June 9, 1807.

All this, however, will work well. The nation will judge both the offender and the judges for themselves. If a member of the executive or legislative does wrong, the day is never far distant when the people will remove him. They will see then, and amend the error in our constitution which makes any branch independent of the nation. They will see that one of the great co-ordinate branches of the government, setting itself in opposition to the other two, and to the common sense of the nation, proclaims impunity to that class of offenders which endeavors to overturn the constitution itself: for impeachment is a farce which will not be tried again''[73]

VI—Important Cases Before 1821.

In 1809, Mr. Giles attempted to have passed in the Senate[74] a bill that would make the circuit and district courts of the United States subject too, and regulated by, the laws of the several States. While the committee to which his measures was referred did not consider the matter of active expediency at that time, the general legislative agitation is indicated.

In the case of the United States v Judge Peters,[75] a conflict arose between the State of Pennsylvania and the federal courts of admiralty over a question of prize, and Judge Peters had been reluctant to enforce a judgment which might bring on a collision with that state. The supreme court laid down a rule of the superiority of the federal courts and the total invalidity of the state statutes interfering with it.[76] Thus, the legislature of a state could not annul the judgments, or determine the jurisdiction of the courts of the United States. In delivering the opinion of the court, Chief Justice Marshall said in part:

''If the legislature of the several states may at will annul the judgment of the court of the United States, and destroy the rights acquired under these judgments, the constitution itself becomes a solemn mockery; and the nation is deprived of the means of enforcing its laws by the instrumentality of its own

73. "The Character of Thomas Jefferson," by T. Dwight, p. 60.
74. "Annals of Congress," vol. 19, p. 413.
75. "Reports of the Supreme Court," by William Cranch, vol. 5, pp. 115-141.
76. "John Marshall," by J. F. Dillon, p. 483 *et seq.*

tribunals. So fatal a result must be deprecated by all, and the people of Pennsylvania as well as the citizens of every other state must feel a deep interest in resisting principles so destructive of the Union, and in averting consequences so fatal to themselves."[77]

It was inevitable that the extreme advocates of the later important doctrine of states rights should try conclusions with the national judicial authority,[78] for if, perchance, a favorable decision was rendered, the belief would no longer rest upon theoretical assertions. It will be seen that this decision, in refusing to acknowledge state independence from the national judiciary, was at the bottom of later judgements.

There were, during Madison's administration, few judicial decisions of vital political import. This fact is undoubtedly due to the predominance of the war of 1812, and the resulting forces which caused a diversification of interests in other directions, directly after it. Madison was, moreover, compelled to appoint successors to Judges Cushing and Chase. One[79] of the men he selected for these positions was destined to give even more importance to the judiciary than Judge Chase.

There was a feeling at Washington that a clash between the chief justice and Judge Story was inevitable. But it seemed that, in spite of their political differences, their judicial opinions were in perfect harmony. John Marshall's views were very like those adopted some time later by Clay and Webster. A current magazine of the time expresses concretely the real political status of Justice Story. "Mr. Story would never have been Mr. Justice Story but for his well ascertained, as well as then thought, root-and-branch democracy."[80]

In a letter to Gallatin, respecting the recent judicial changes, Jefferson seems to believe that the Republican party had now a chance to reform the supreme court. The complete harmony

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77. "Reports of the Supreme Court," by William Cranch, vol. 5, p. 136.
78. "Constitutional History of the United States," by J. M. Cooley, *et al.*, p. 83.
79. I refer to Justice Story. The other judge appointed by Madison was Duvall.
80. *The Democratic Review*, vol. 1, p. 156.

which existed between the chief justice and his associate, while they were actively connected at the bench, was more of a disappointment to the first Republican president than to any one else. Concerning the appointments he says:

"At length we have a chance of getting a Republican majority in the supreme court. For ten years has that branch braved the spirit and will of the nation, after the nation has manifested its will by a complete reform in every branch depending on them. * * * I am sure its importance to the nation will be felt, and the occasion employed to complete the great operation they have so long been executing, by the opposition of a decided Republican,[81] with nothing equivocal about him."[82]

The supreme court in 1806, according to the Democrats, broke the law in the decision of the well known Yazoo[83] affair. These so-called Southern Democrats would not question the power, but could not concede, at all, without protesting against the doctrine that the judiciary was the sole and exclusive judge of constitutional difficulties. The case of Fletcher v Peck[84] was accordingly brought up in 1810, when the holders of the Yazoo strip could not obtain help from Congress.

In this case,[85] the law of the constitution, prohibiting the states from the passege of any law impairing the obligation of contract, was construed and applied to grants of lands by a state. The decision placed the entire economic interests of the American people within the jurisdiction of the national government. This action tended to invoke that sentiment which found expression somewhat later during the debates on the compromise of 1850. This decision and several others of a similar nature,[86] gave important national prestige to the department of jurisprudence.

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81. This was Story.

82. "Works of Thomas Jefferson," vol. 5, p. 549-50.

83. "Georgia and State Rights," by U. B. Phillips, p. 28 *et seq.*

84. "Reports of the Supreme Court," by William Cranch, vol. 6, p. 87.

85. For brief treatment, *vid.* Marshall's "Writings of the Federal Constitution," p. 127.

86. "Reports of the Supreme Court," by Henry Wheaton, vol. 4, p. 122; "Reports of the Supreme Court," by William Cranch, vol. 7, p. 164.

"The validity of this recinding act, then, might well be doubted, were Georgia a single, unconnected, sovereign power, on whose legislature no other restrictions are imposed than may be found in its own constitution. She is a part of a large empire; she is a member of the American Union; and that union has a constitution, the supremacy of which all acknowledge, and which imposes limits to the legislature of the several states, which none claim a right to pass."[87]

This was in part what John Marshall said on the case in rendering his decision. But Georgia was, according to her state judiciary, a sovereign independent power. How could one of her acts be declared void? Already the southern doctrine of state sovereignty was creating a comparative reaction. Yet there was not a general movement until after 1823. It may be worthy to note that there were several tendencies toward definite action during the next few years. The universal opinion in the South was that the central government had interfered where jurisdiction was not proper. It seems to be the belief of authorities upon the Georgian situation, that more open opposition would have resulted, at this time, if Georgia had not been engrossed with foreign affairs.[88]

In the case of Martin v Hunter, [89] the defendant had been awarded judgment by the state court of Virginia. The plaintiff issued a mandate to the court of appeals requiring the judgment of the supreme court to be carried into effect. This, the court of appeals declined to do upon the ground that the act of congress allowing appeals from that court to the supreme court was not in pursuance of the constitution of the United States. A writ of error was taken out by Martin, founded upon this refusal, in 1816.

The supremacy of the national court was combatted by J. B. Gibson, chief justice of Pennsylvania, who condemned the right to declare all unconstitutional acts null and void without distinction as to either the constitution of the United States or the

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87. "Reports of the Supreme Court," by William Cranch, vol. 6, p. 136.
88. "Georgia and State Rights," by U. B. Phillips, p. 38.
89. "Reports of the Supreme Court," by Henry Wheaton, vol. 1, p. 304.

state. He thought that the decision ought to be maintained with power by the court that asserted it. He even went so far, in his discussion, as to divide the powers of the judiciary into those political, and purely civil. For, he thought every power by which one department of the government is enabled to control another or to influence its acts was political. The political power of the judiciary was derived from certain provisions of the constitution, and the civil power was the ordinary appropriate powers. He says:

"When the government exists by virtue of a written constitution, the judiciary does not necessarily derive from that circumstance any other than original and appropriate power."[90]

Justice Story, in rendering his decision, declared that the appellate power of the United States extended to cases pending in the state courts, and that the twenty-fifth section of the judiciary act,[91] which authorized the exercise of this jurisdiction in the specified cases, was supported by the constitution.[92] The real nature of the constitution was set forth, and, in ordaining that it was not established by the states in their sovereign capacity, but emphatically as the preamble expressly declared, by the people of the United States, the political doctrine of state sovereignty was given a temporary check which resulted in more vigorous assertions of the nullification doctrine.

It is worth indicating that, while enforcing its own judgment in the case of Martin *v* Hunter, the court avoided further controversy with the court of appeals.[93] By declaring void the judgment of that court, and valid that of the inferior Virginia court in favor of the title, some hostility was allayed.

Congress had chartered the Bank of the United States in 1816, and a branch having been established at Baltimore, the state

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90. "The Constitutional History of the United States," by F. N. Thorpe, vol. 2, p. 473.

91. Act of 1789.

92. "Writings of the Federal Constitution," by J. Marshall, p, 525 *et seq.*

93. "Constitutional History of the United States," by J. M. Cooley, p. 84.

of Maryland levied a tax upon it which the bank refused to pay. The state courts gave judgment against the bank, but the supreme court reversed it. In giving his opinion in this case of McCulloch *v* Maryland,[94] John Marshall held that the United States possessed authority to employ all means appropriate and convenient, as well as those absolutely necessary, for the full exercise of powers specifically granted to congress by the constitution. The state insisted that this exercise of power was merely the taking to the supreme court what belonged to the state court. But how could the state impede the federal power? How could the state tax a federal instrumentality without violating the acts expressed in the constitution? This case, finally decided in 1819, was only an attempt on the part of the North to take a radical stand, very similar to that held by the States of Georgia and Virginia.

It was often believed that each public officer, who took an oath to support the constitution, was to support it as he understood it. This simply meant that neither congress or the president had as much right to decide upon the constitutionality of an act as the supreme court. And the opinion of the judges had no more authority over congress than the opinion of congress over the judges.[95]

There was no reason why the authority of the supreme court should be permitted to control congress or the executive.[96] The judges in this decision might have produced a better impression upon the public mind if they had harmonized in their reasoning. The high latitude thus given to the constitution seemed to break down the landmarks intended by a specification of the powers of congress. This became a more convincing truth when the states saw that they had no powers of taxation which would allow them to impede control of the measures adopted by the United States. In commenting upon the deci-

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94. "Reports of the Supreme Court," by Henry Wheaton, vol. 4, p. 316.

95. "The Constitutional History of the United States," by F. N. Thorpe, vol. 2, p. 409.

96. "A Compilation of the messages and Papers of the Presidents," by T. D. Richardson, vol. 2, p. 582.

sion of this case, the chief justice said in an interesting letter to Justice Story:

"Our opinion on the bank case has roused the sleeping spirit of Virginia, if indeed it ever sleeps. It will, I understand, be attacked in the papers with some asperity, and, as those who favor it never write for the public, it will remain undefended, and of course be considered as damnably heretical."

In a case[97] very similar in character, which was under consideration after the decision set forth in the McCulloch case had become quite general, it was believed that the Supreme court must be supreme. "The state sovereignties must be maintained," it was thought, "as the sheet anchor of our republican systems—yet if a supremacy is not acknowledged in certain cases to belong to the federal government, we shall become like a rope of sand."[98]

In the *Weekly Register* for October 30, 1819, an enthusiastic Ohioan denies the right exercised by the supreme court when it sues a state. He says in part.

"The doctrines set up by the court on that (McCulloch *v* Maryland) occasion, are such as the people of this state so long as they determine to preverve their rights, cannot recognize as correct. If such a decision is to suspend to force and operation of our laws, legally, regularly, and constitutionally enacted what are our boasted privileges? For what purpose have we a state legislature and executive?"[99]

In the case of the Trustees of Dartmouth College *v* Woodward,[100] in 1819, the question arose as to whether a grant of corporate powers by congress is a contract, whose obligations the state are inhibited form impairing. In 1861 the legislature of the state of New Hampshire passed an act amending the charter which the college received in 1769. This amendment the trustees

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97. State of Ohio, *v.* United States Bank.
98. Niles' *Weekly Register,* vol. 17, p. 85.
99. Niles' *Weekly Register,* vol. 117, p. 132.
100. "Reports of the Supreme Court," by Henry Wheaton, vol. 4, p. 518.
101. "American Constitutional Law," by J. I. Hare, vol. 1, p. 607.

refused to accept. Webster[101] argued the case in the state courts brilliantly, but the decision was against him. The trustees resorted to the supreme court where the decision was favorable. John Marshall is quoted as saying:

"The State was stripped, under this interpretation, of prerogatives that are commonly regarded as inseparable from sovereignty, and might have stood, like deer, destitute before her offspring had not the police power been dexterously declared paramount, and used as a means of rescinding improvident grants."[102]

The *Democratic Review* declared concerning the Dartmouth case: "If we have called the Georgia case[103] a giant judgment, this may be styled a very cyclops of jurisprudence—*monstrum horrendum, informe ingens, cui lumen ademtum.*"[104] Another magazine, upholding the decision, asserted that the supreme court was erected as a barrier not only against the executive but against the legislative; against the encroachment of national as well as state legislature.[105]

During this period, when important judicial decisions were rendered, the Federalist remnant considered Chief Justice John Marshall as one of themselves, and his federalism was to them a proof of his sound judgment. Yet under Monroe's administration old Federalism maintained few local organizations, and the Republicans possessed undisputed control of the government.[106] There can be little doubt that, while several of the supreme court decisions were never actively enforced, their tenor was noted, and the judiciary increased in influence. And a quiet, undisturbed feeling was growing more favorable to the tribunal each year. The power of the court, however, was never strong during this period.

(*To be Continued.*)

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102. *Vid.* Hopkins, "Proceedings of the Webster Centennial of Dartmouth College." (Hanover N. H., 1902.) Throws light on his service.
103. Fletcher *v.* Feck.
104. *Democratic Review,* vol. 1, p. 162.
105. *American Monthly Magazine,* vol. 11, p. 201.
106. In the campaign of 1828 all the candidates were Republicans.

THE

New-York Weekly JOURNAL

Containing the freshest Advices, Foreign, and Domestick.

MUNDAY November 12, 1733.

Mr. *Zenger*.

INcert the following in your next, and you'll oblige your Friend.

CATO.

Mira temporum felicitas ubi sentiri quæ velis, & quæ sentias dicere licit.

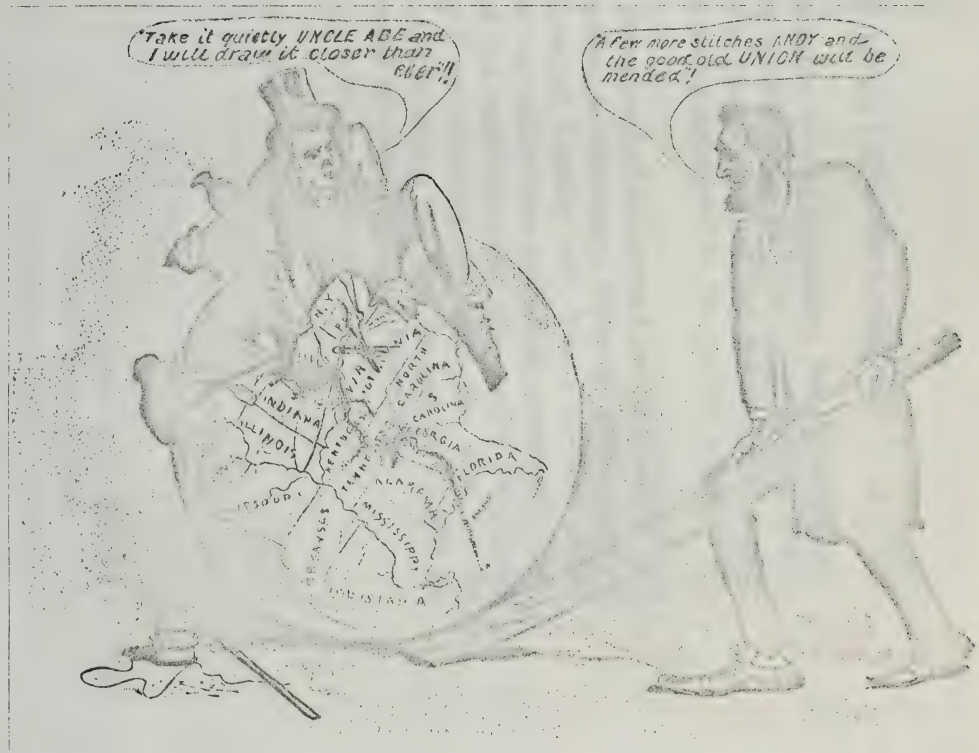
Tacit.

THE Liberty of the Press is a Subject of the greatest Importance, and in which every Individual is as much concern'd as he is in any other Part of Liberty: Therefore it will not be improper to communicate to the Publick the Sentiments of a late excellent Writer upon this Point. such is the Elegance and Perspicuity of his Writings, such the inimitable Force of his Reasoning, that it will be difficult to say any Thing new that he has not said, or not to say that much worse which he has said.

There are two Sorts of Monarchies, an absolute and a limited one. In the first, the Liberty of the Press can never be maintained, it is inconsistent with it; for what absolute Monarch would suffer any Subject to animadvert on his Actions, when it is in his Power to declare the Crime, and to nominate the Punishment? This would make it very dangerous to exercise such a Liberty Besides the Object against which those Pens must be directed, is their Sovereign, the sole supream Magistrate; for there being no Law in those Monarchies, but the Will of the Prince, it makes it necessary for his Ministers to consult his Pleasure, before any Thing can be undertaken: He is therefore properly chargeable with the Grievances of his Subjects, and what the Minister there acts being in Obedience to the Prince, he ought not to incur the Hatred of the People; for it would be hard to impute that to him for a Crime, which is the Fruit of his Allegiance, and for refusing which he might incur the Penalties of Treason. Besides, in an absolute Monarchy, the Will of the Prince being the Law, a Liberty of the Press to complain of Grievances would be complaining against the Law, and the Constitution, to which they have submitted, or have been obliged to submit; and therefore in one Sense, may be said to deserve Punishment, So that under an absolute Monarchy, I say, such a Liberty is inconsistent with the Constitution, having no proper Subject in Politics, on which it might be exercis'd, and if exercis'd would incur a certain Penalty.

But in a limited Monarchy, as *England* is, our Laws are known, fixed and established. They are the streigh Rule and sure Guide to direct the King, the Ministers, and other his Subjects: And therefore an Offence against the Laws is such an Offence against the Constitution as ought to receive a proper adequate Punishment; the levers

Constit


"Take it quietly UNCLE ABE and I will draw it closer than ever!!"
"A few more stitches ANDY and the good old UNION will be mended"!
INDIANA
ILLINOIS
NORTH CAROLINA
GEORGIA
FLORIDA
MISSISSIPPI

A PICTORIAL LIFE OF LINCOLN

IN the current number of this magazine, the Pictorial Life of Lincoln series is continued with the presentation of two steel plates. The frontispiece of the magazine is a portrait of Lincoln as he appeared in the earlier years of his public career.

The cartoon is of the period of his second administration and is particularly interesting as showing a phase of public opinion regarding the relations of Lincoln and Vice-President Johnston. In this we see the tailor vice-president amusingly travestied in the light of the employment of his earlier years, and industriously engaged in stitching together the rent in the Union, while Uncle Abe is doing the best he can to uphold the great burden with one of his distinguishing fence rails.

DOUGLAS, LINCOLN AND THE NEBRASKA BILL

BY ALBERT WATKINS

II

IT is insisted that Lincoln's direct question which he put to Douglas in the debates of 1858, whether or not slavery could now—since the Dred Scott decision—be legally excluded from the territories, was his master-piece of shrewdness and in effect a paralytic stroke. Academically speaking, this is true; but it forced Douglas to confidently point, with still greater ingenuity, to the higher law of public opinion as the sure restriction. The national republican platform of 1860, disingenuously pointed out that the governors of Kansas and Nebraska, creatures of the proslavery democratic administration, had recently vetoed acts of the legislatures of those territories abolishing slavery.

But the legislature of Kansas had already, several months before the convention met, passed the abolition act over the veto by an overwhelming majority, and a few months later, at the session of 1861, the Nebraska legislature passed an abolition bill over the veto with only five dissenting votes, members of both parties supporting the measure. Leading members of both parties also expressed confidence that the law would be effective, and the two republican members who reported a similar bill at the preceding session (Marquett and Lake) stated that they favored the measure to protect the territory from the effect of the new doctrine that men had a constitutional right to bring slaves into the territory.[1]

But the enactment was little more than a political tempest in a teapot. The slaves consisted of some half dozen domestic servants who had accompanied their masters into the territory, it

1. "History of Nebraska," Watkins. Vol. 2, p. 46. Two of the most prominent men of Nebraska. Lake was one of the first three judges of the state supreme court.

was said of their own free will. Webster's "ordinance of nature" and the uncompromising anti-slavery sentiment of the immigrants had proven a practical barrier. Moreover, in 1860, Douglas contended in the senate that the supreme court in the Dred Scott decision had not decided against the right of the territorial legislatures to exclude slavery and that he did not think it ever would.

Douglas and his followers, on the one side, and Lincoln, Chase, Greely, Weed and Seward, on the other, were playing a great game of politics in which all pushed the finesse of statesmanship beyond its legitimate limits. But having regard to the almost hopeless entanglement, on the method of whose unravelling depended dismemberment and war, in still pinning his faith to the unextinguishable vitality of the popular sovereignty principle, even though the supreme court had sought to emasculate it, Douglas maintained the upper hand. For the exigencies of hero-making should not longer divert us from taking notice that the question of slavery in the territory affected by the Missouri compromise or in any of the territory north of its line, was never anything but a political bogy. There never was the least practical danger that slavery could or would invade that territory, and the position of Douglas in reference to that purely factitious question was impregnable in statesmanship and in logic and morality as well.

Douglas was largely instrumental in causing the adoption of a free constitution in Kansas. He boldly opposed President Buchanan on that issue, and his principal lieutenant, William A. Richardson, resigned the office of governor of Nebraska, to which he had been appointed by Buchanan, to emphasize his sympathy with Douglas.[1] Lincoln's heart was for the destruction of slavery at the earliest possible time; but it was not expedient for Lincoln the politician to back up Lincoln the sympathetic philanthropist, and he persistently disclaimed any desire or intention to interfere with slavery where it was established, but as persistently and inconsistently encouraged the antislavery multitude to listen to the radicals—Garrison, Phillips, Sumner and the rest—who had the full courage of Lin-

1. Ibid, Vol. 1, pp. 374 and 376 with foot notes.

coln's convictions, and were resolutely preparing the way for the revolution by which alone slavery could be destroyed soon enough to gratify their one idea madness and without regard to cost or other consequences. Contrary tradition, based upon partisan exigency and buttressed by prejudice, however hallowed by time, should be ready to give way to these indubitable facts:

(1) By procuring the assent of the south to the proposition that the people of the territories as well as the states should have and exercise the power to reject slavery, Douglas perpetuated a barrier to its further expansion as effective as the Missouri compromise had been, while recognized as valid; and he thus effectually checkmated the Dred Scott decision which invalidated the compromise as he had anticipated.

(2) Actual experiment, both in Kansas and Nebraska, justified the acumen of Douglas in formally substituting the compromise of 1850 for its predecessor of 1820. In opposing his powerful influence to Buchanan's policy of admitting Kansas with a slave constitution against the wish of a majority of her citizens, Douglas not only exhibited great moral courage but apparently, also, a self-sacrificing devotion to principle and justice which destroyed his last chance for attaining the presidency. Whittier perceived, and pictured in a quatrain Sumner's implacability and lack of statesmanlike tact and flexibility:

> "No sense of humor dropped its oil
> On the hard ways his purpose went;
> Small play of fancy lightened toil;
> He spake alone the words he meant."

In his great speech of 1856, known as "The Crime Against Kansas," Sumner, even from his narrow outlook, was able to foretell the practical effectiveness of Douglas' popular sovereignty plan:

"Thus, while opening the territory to slavery, the bill also opens it to emigrants from every quarter who may by votes redress the wrong. The populous north, stung by a sense of outrage and inspired by a noble cause, are pouring into the debatable land and promise soon to establish a supremacy of numbers there."

The broader view of Mr. Henn, member of the house of repre-

sentatives from Iowa, disclosed that the natural flow of emigration, veering southwesterly to a milder climate, would fulfill the prophecy of both Douglas and Sumner.

But, it is said, this very act, ostensibly in the interest of peace and the preservation of the union, precipitated war. That shifts us to another question. I think that we must agree with Alexander H. Stephens, one of the sanest of the southern statesmen of that critical period, and himself solicitous to avoid disunion, that the policy of Douglas ought in all reason to have succeeded—to have satisfied both sections and preserved peace.[1] But the force of fanaticism in both sections was underrated. The old whigs—Seward, Greely, Lincoln—out of a party and ambitious for power, overworked the plausible inference or accusation that the repeal of the compromise which had been recognized for thirty-three years, was a treacherous surrender to the slavery expansionists; and the stupid, as well as wicked Dred Scott decision came opportunely to reinforce the repeal of the compromise as a trouble maker in the north. In other words, with the anachronism of human slavery as the basis of Seward's —and in effect, Lincoln's—declaration that a conflict was irrepressible, and with such adroit politicians as these to make the most of it, the war was indeed inevitable, and the best conceived compromise would be brushed aside to let it come.

A cloud of critics, including several reputable historians, have accused Douglas, with superficial prejudice, I think, of deliberately cutting off Kansas from Nebraska that it might be colonized by the slavocracy of contiguous Missouri; but industrious investigation and candid judgment discredit, if they do not quite disprove that charge. Possibly Mr. Rhodes, lacking knowledge of the corroborative facts, was justified in uttering the sweeping dictum: "Nor is the explanation of Senator Douglas sufficient. It is almost certain that if there had been no question of slavery this change would not have been made;'"[1] and if it were worth while to excuse the mere savagery of Von Holst touching the same subject, a like reason would suffice. But in preparing a history of Nebraska, I discovered certain well authenticated

1. History of Nebraska, Watkins. Vol. I. p. 156.
1. "History of the United States," Vol. 1, p. 439.

facts which, to my mind, make the explanation of Douglas quite sufficient.

Prior to the territorial organization of "The Nebraska Country" by the act of 1854, it was set apart as "Indian Country," from which white people were interdicted. The passage of the Nebraska bill was therefore ardently promoted by ambitious politicians and land speculators of the contiguous Iowa border. Bernhart Henn, member of the house of representatives from the western district of Iowa, who maintained a real estate office at the hamlet of Council Bluffs, situated on the east bank of the Missouri River nearly opposite Bellevue, the prospective capital of Nebraska, pressed the adoption of the division amendment and the passage of the bill harder than any other member of either house of congress.

"The bill," he contended, "is of more practical importance to the state of Iowa and the people of the district I represent than to any other state or constituency in the union." Answering "the unjust charge made on this floor by several that it was the scheme of southern men, whereby one of the states to be formed out of these territories was to be a slave state," he demands: "Do they not know that the delegates sent here by the people interested in the organization of this country proposed that division?"[1]

Let us see how well local incidents sustain this assertion. In October, 1853, a meeting to promote the territorial organization of Nebraska, which was attended by many of those who were afterward active in organizing the territorial government, was held in Glenwood, situated in Mills County, Iowa, a few miles from the Nebraska border. In fact this ambitious village furnished no less than nine members of the first legislature of Nebraska, who never became residents of the territory. These enterprising carpetbaggers included one Joseph L. Sharp—by name and nature—the founder of Glenwood and the president of the upper house of the first Nebraska legislature. Indeed, Iowa was so positively and palpably the local habitation of germinal Nebraska that an indignation meeting was held in

1. "Appendix to the Congressional Globe," Vol. 29, p. 885-6.

Glenwood to denounce the recreancy of members of the first legislature of Nebraska from the south Platte section in voting to make Omaha, instead of Plattsmouth or Bellevue, the capital of the territory.[2] One of the practical results of this meeting was that enough residents of Council Bluffs to make an impressive showing crossed the river and held an election in Bellevue at which Hadley D. Johnson was elected a provisional delegate from Nebraska for the purpose of promoting the passage of the pending Nebraska bill. Another provisional delegate was elected at the same time at Wyandotte, now a city of Kansas. These men were known in the house of representatives as "the two Johnsons." The Iowa-Nebraska Johnson was enabled to reach Washington by the aid of a subscription by residents of Council Bluffs in amounts ranging from one dollar to five dollars. In his explanation of the division of the territory at the last, Douglas said:

"There are two delegates here who have been elected by the people of that territory. They are not legal delegates, of course, but they have been sent here as agents. They have petitioned us to make two territories instead of one, dividing them by the fortieth parallel of north latitude—the Kansas and Nebraska territories. Upon consultation with the delegates from Iowa I found that they think that their local interests as well as the interests of the territory require that the proposed territory of Nebraska should be divided into two territories, and the people ought to have two delegates. So far as I have been able to consult with the Missouri delegates they are of the same opinion. The committee therefore have concluded to recommend the division of the territory into two territories and also to change the boundary in the manner I have described."[1]

Hadley D. Johnson afterward became prominent in business and politics in Omaha, and his statements are regarded as reliable by leading men of that city who knew him well. In a paper read before the Nebraska State Historical Society in 1887, Mr. Johnson gave a detailed account of his election as provisional delegate and of the part he took in promoting the organization

2. Reminiscence of Experience Estabrook, Attorney General of Nebraska territory in the "History of Nebraska," Vol. 3.

1. "Congressional Globe," Vol. 28, pt. 1, p. 221.

scheme in Washington. What he said about division of the territory is exceedingly interesting in its bearing upon the accusation that the primary motive for it sprang from the intention of Douglas "to secure a part of it to slavery."[2] Mr. Johnson relates that:

"Before starting (to Washington) a number of our citizens who took such a deep interest in the organization of a territory west of Iowa, had on due thought and consultation agreed upon a plan which I had formed, which was the organization of two territories west of the Missouri river, instead of one as had heretofore been contemplated, and I had traced on a map hanging in the office of Johnson & Cassady a line which I hoped would be the southern boundary of Nebraska, which it finally did become."

Mr. Johnson further relates that the other Mr. Johnson and his Missouri friends fell in with the division scheme but were very anxious that the Platte river should be the line, "which obviously would not suit the people of Iowa." Pressed by the threat of the Iowa emissaries that the dividing line should be the fortieth parallel or there would be no bill at all passed at that session, the Kansas Johnson "very reluctantly consented . . . whereupon Judge Douglas prepared and introduced the substitute." Mr. Hadley Johnson had a powerful ally in the person of Senator Augustus C. Dodge of Iowa, who, as he says, "had from the first been an ardent friend and advocate of my plan, introduced me to Judge Douglas, to whom I unfolded my plan and asked him to adopt it, which, after mature consideration, he decided to do."[1] Mr. Joseph L. Sharp, mentioned above, tells us in his memoirs that he went to Washington at this time and "submitted the plan of making two territories out of the proposed Kansas (Nebraska) territory."[2]

Senator Dodge in urging division in a speech in the senate said:

"Originally I favored the organization of one territory; but representations from our constituents, and a more critical exam-

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2. "Constitutional History of the United States," by Von Holst, Vol. 4, p. 323.
1. "Transactions of the Nebraska State Historical Society, Vol. 2, p. 85, et seq.
2. "History of Nebraska," Vol. 1, p. 148, foot note.

ination of the subject—having an eye to the systems of internal improvement which must be applied by the people of Nebraska and Kansas to develop their resources—satisfied my colleague, (Senator Jones) who was a member of the committee that reported this bill, and myself, that the great interests of the whole country and especially of our state demand that we should support the proposition for the establishment of two territories; *otherwise the seat of government and leading thoroughfares must have all fallen south of Iowa.*"[3]

In pressing the division plan in the House, Mr. Henn stated the local reasons for it specifically and comprehensively:

"A line which nature has run for the boundary of states; a line that will insure to each territory a common interest, each having a fertile valley (the Platte valley and the Kaw valley respectively) for its commercial center; a line that will be of immense importance to the prosperity and commerce of Iowa; a line that will make the commercial and political center of Nebraska on a parallel with the great commercial emporiums of the Atlantic and the harbor of San Francisco . . . The organization of two territories instead of one has advantages for the north, and for Iowa in particular, which should not be overlooked. It secures in the Platte valley one of the lines of Pacific railways by making it the center of commercial wealth and trade. It brings to the country bordering on Iowa the seat of government for Nebraska. It at once opens up a home market for our produce. It places west of us a dense and thriving settlement. It gives to western Iowa a prominence far ahead of that which ten years ago was maintained by the towns in the eastern portion of our state. It brings Iowa nearer to the center of power and commerce."[1]

These convincing local arguments in favor of a territory "opposite Iowa" had a more comprehensive meaning to Douglas, as Chicago, the chief city of his state, was then beginning to comprehend her fabulous commercial future, and whence four great tentacles of commerce—four trunk lines of railroad—were projected westward; and one of them was well on the way toward junction with the great Pacific line at Omaha, to whose construction Douglas had already turned his powerful attention.

3. "Appendix to the Congressional Globe," Vol. 29, p. 382.
1. Ibid, p. 886-888.

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If the prophet of the Nebraska country had been less than a Colonel Sellers in imagination, his forecast would have been inadequate; for it has all come true. The truly great continental railway with the most perfect roadbed in the world and the artery of a colossal local and oriental traffic, has come true. The miraculous development of this Nebraska country into the granary and the shambles of the world has come true. The prophesied gateway to the Platte Valley and this industrial greatness, first the political, and now the commercial capital of Nebraska and twice as populous—as the prophet foretold—as any town in the eastern, or any other portion of Iowa, has come true. A still greater collector and distributer of Kaw valley riches—Kansas City—has come true. If the prescience of this one and only justified Colonel Sellers could have fore-known all that has come true, he could but have exclaimed:

> "O visions of glory, spare my aching sight!
> Ye unborn ages, crowd not on my soul!"

From what we know of Douglas and Dodge through personal contact and otherwise, it should be deemed improbable that they descended to the petty craft and deceit of pushing to the front these plausible local reasons for dividing the territory for the purpose of hiding their real motive of giving Kansas over to slavery. From what I know of the character of Hadley D. Johnson and of the circumstances in which he related his story of the division, I am confident that he and his local coadjutors believed that it originated with themselves. It is possible that Douglas accepted the division scheme the more readily because he thought it would please the Missouri borderers who hoped to profit by it through the forcing of slavery into Kansas; but the primary reason for the division expressed in the debates by Douglas, Dodge and Henn, is in essence and form strongly cumulative evidence, and it constitutes a quite sufficient explanation of the act in question. The other explanation is inconsistent with the strong evidence which has been adduced, is wholly inferential, and should be regarded with suspicion because it served the purpose of cunning politicians and was probably invented by them for that purpose. The primary reason for divi-

sion expressed in the debates by Douglas, Dodge and Henn agrees so harmoniously and completely with the independent statements of the local witnesses, that any other theory or explanation seems vain and factitious. It is significant that Mr. Johnson gave as a further reason for limiting Nebraska so that it might be controlled by Iowa interests, the belief and fear which had been expressed by Douglas and his followers in the organization enterprise, from the time the first bill for that purpose was introduced in 1844, that the southern interests intended to colonize the section along the Platte with Indians, so as to leave their own part of the purchase open to the Pacific railway and to advantageous settlement.

Where a crisis impends over the clash of two opposing human masses, time is the great desideratum, and Douglas sparred for time. It seems probable that if he could have postponed the crisis of 1860, which the partisan triumph of Lincoln precipitated, the fast crystallizing antislavery public opinion of the world would soon have solved our own slavery question—peaceably of course. It would perforce soon have ceased to be a sectional or a local question. A world-wide moral—in effect industrial—boycott would have forced the south to cut off its anticivilized excrescence. In the course of his great two days' speech in May, 1856, the uncompromising, precipitant Sumner unwittingly pointed to the solution: "The whole world, alike Christian and Turk, is rising up to condemn this wrong, making it a hissing to the nations."

It seems fair to conclude, too, that Douglas outwitted his overreaching proslavery party associates in leading them to accept the virile, effective popular sovereignty plan in lieu of the innocuous, and soon to be invalidated compromise of 1820-21. His mistake lay in failing to foresee the destructive fire in the rear which was opened by antislavery sentiment in the north, skillfully inflamed by making the most of the suspicion that the repeal was the result of a bargain and sale in the interests of slavery.

In 1874 and 1875 an invasion of grasshoppers impoverished many of the settlers on the frontier of Kansas and Nebraska. In a letter to Governor Osborn of Kansas, transmitting a contri-

bution of $1,000 for the sufferers of that state and Nebraska, Gerrit Smith in giving special reasons for the benefaction to Kansas dropped into fallacy characteristic of the ardent abolitionists:

"First, I worked hard in congress to save Kansas from the curse of slavery. Second, I afterward contributed sixteen thousand dollars to the various funds for fighting off from her that matchless curse. Third, in saving herself from slavery Kansas saved the nation from it. Had the slave power triumphed in Kansas, the way for slavery into any free state would have been opened. A great savior therefore is dear Kansas. . . ."

On the contrary, owing to natural and sociological conditions which have been here pointed out, slavery never could have been established in Kansas except temporarily; and its temporary triumph there would have brought on the revolution which destroyed it in all the states, as inevitably and more rapidly than the repeal of the Missouri compromise. Moreover, inspection of the various bills for the organization of Nebraska which not having passed were not published and so missed the notice of the accusing politicians and historians, who did not take the trouble to disentomb them from the basement of the capitol at Washington, shows Douglas' preference from the first for a northern territory, "opposite Iowa." Furthermore, to believe the accusers of Douglas on this point involves the belief that he was a petty public liar, a quality quite inconsistent with his bold ingenuousness. The exigencies of the politicians whose cups of ambition were all filled by the use of this opportunity—Lincoln's with the first office in the land, and Seward's and Chase's by the choice of the second best—plus the peculiarly susceptible temper of the people, accounts for the onslaught on Douglas, and makes him a greater figure, perhaps, than he deserves to be. The popular indignation they stirred up against Douglas served as a new garb for their own withered whiggism. It seems fair to conclude that with the same dread of radical change of policy toward slavery which had driven Clay and Webster to despair, Douglas sought primarily to maintain the status quo, while his wily opponents egged on the just resentment against slavery in the north and the fanatical solicitude

of the south, thus forcing the secession and war which the Fabian policy of Douglas would otherwise have indefinitely postponed.

Douglas denied the truth of the contention of Lincoln and Seward that the union could not exist half slave and half free; plausibly, at least, arguing that if they would cease their irritating agitation there was no reason why states which had already dwelt together in unity, half slave and half free, for fifty years might not continue to do so while the solution of the vexed question should be reached by evolution instead of revolution. If the people of the north could have foreseen that secession and war would result from Lincoln's policy and follow his election as president, is there any doubt that they would have supported Douglas in his policy of conciliation or concession and elected him president instead of Lincoln? Knowing the awful, though in one view, glorious sequel, as we know it, would not you and I, my friends, have felt with Lincoln but acted with Douglas?

Douglas was gifted with originality and foresight in the field of economic statesmanship. In 1851 he originated the plan, which afterward played a very important part in the rapid development, as well as the corruption of the country, of encouraging the building of railroads by grants of public lands. His bill for granting lands for the construction of the Illinois Central railway was so manipulated that the bonus would have fallen into the hands of an irresponsible and unworthy company, when with characteristic decisiveness he caused the grant to run to the state of Illinois for the like purpose. But the same conspirators whom he had defeated in the national congress worked their scheme through the state legislature so as to become the beneficiaries of the anticipated grant, whereupon Douglas with his marvelous effectiveness again circumvented the graft by compelling them to relinquish their claim. By his wise foresight, a condition that the beneficiary company should pay to the state annually seven per cent. of its gross earnings was attached to the grant. The yearly proceeds of this tax now amount to nearly a million dollars, enough to meet the expense of the state government of Nebraska—if economically administered. In 1855 he introduced a bill providing for the building of three

lines of railroad to the Pacific coast—a northern route to be called the Northern Pacific; a central to be called the Central Pacific; and a southern to be called the Southern Pacific. Lines corresponding to these, in location and name were subsequently constructed. He afterward pushed with his accustomed vigor the project of building what is now known as the Union Pacific line. He originated the plan of fixing the terminals of the road, leaving it to the company to take the most practicable course between them. By the terms of his bill the road was to revert at a certain time to the states through which it should pass.

His attitude toward secession was characteristically positive, decisive and statesmanlike. Unlike many leaders of both parties who hesitated and doubted and dallied while advantage after advantage was seized by the insurgents, he saw the transcendently largest aspect of the question—that the maintenance of the union was of paramount importance. Even John Ruskin, who was possessed by broad and idealistic philanthropy, mistook the part for the whole, the shadow for the substance, and held that the attempt to hold the south in the union by force violated the spirit of the declaration of independence. But,

> "No lore of Greece or Rome,
> No science peddling with the name of things,"

diverted Douglas from the single issue and the single purpose. Henceforth he said, "there are no neutrals—only patriots and traitors." The effect of this unequivocal attitude was of incalculable value in holding his great following,—many of whom would otherwise have been recreant,—true to this main object. Under the inspiration of his leadership, said Mr. Blaine,

"The democracy of the north responded with noble enthusiasm and patriotic fidelity to the union." And again, in greater detail and equal emphasis: "When the deliberations of the extra session of the senate came to a close on the twenty-eighth of March, the President said that a great gain had been made to the cause of the union by the direction which the speeches of Mr. Douglas would give to the sympathy and action of the northern democracy. From the hour of actual danger, Mr. Douglas had spoken no partisan word, had known no partisan division, had labored only for the government of the nation, had looked only

to its safety and honor. He had a larger following than any other party leader of his day. Nearly a million and a half of men believed in his principles, were devoted to him personally, trusted him implicitly. The value of his active loyalty to the union may be measured by the disaster which would have been caused by hesitation on his part."[1]

But is not this final test incompatible with the charge of brokerage and insincerity by which the entire career of Douglas is interpreted by his partisan opponents?

Lincoln has been glorified while Douglas has been neglected—except as he has been the subject of contumely—largely because he was the central figure on the winning side in the bloody final settlement of the controversy, and largely also because he cared for the fate of the slave, while Douglas cared little, or at least less than for peace and union. But when the legitimate result of philanthropic solicitude actually broke upon the country in the shape of disunion and war, Lincoln was obliged to recant his philanthropy and embrace the mere statesmanship of Douglas. In his reply to strictures of Greeley upon his moderation, August 22, 1862, he said:

"My paramount object is to save the union and not either to save or destroy slavery. If I could save the union without freeing any slave, I would do it; and if I could do it by freeing some and leaving others alone, I would also do that."

While there seems to be good reason for thinking that if Lincoln and his associate agitators against slavery had permitted the Douglas plan to be given a fair trial, the desirable results of the war would have been peacefully worked out, yet at bottom, Douglas lost all while Lincoln gained all, as the crowd counts loss and gain, because the one ignored, in some sort, the eternal verity of righteousness, while the other kept it constantly in his own heart and before a people strongly inclined to righteousness. This is the crux of the question as Lincoln—and ultimately the people of the north—saw, or rather, felt it:

"He (Douglas) contends that whatever community wants slaves has a right to have them. So they have if it is not a

1. "Twenty years of Congress," by James G. Blaine.

wrong. But if it is a wrong, he cannot say people have a right to do wrong."

Here was the difference between the statesman and the prophet. Yet who is there to say now, in the cool retrospect of reason, that the fealty of Douglas, charged as he was with the responsibility of practical leadership, was not first to statesmanship? But alas for Douglas and for the union with peace! Through the crying aloud of the prophets, half-hearted and evasive on the part of Lincoln, but portentously whole-hearted on the part of Garrison, Greeley, Phillips and Sumner, the further tolerance of slavery had struck ahead to the twelfth, while in its turn, and as Douglas hoped and calculated, it should have struck only the eleventh hour.[1]

I am not oblivious to my temerity in venturing to question that Lincoln was immaculate and infallible, inasmuch as popular sentiment has lifted him above the human level. But there are both obvious and strong reasons for keeping a very strong and highly appreciated man a mere man. Maupassant observed that each man creates an illusion of the world for himself; and so peoples, out of what seems the most likely material, themselves supplying the supplemental idealism, fashion their heroes and their gods. Belloc in his study of Danton recognizes "that thirst for the ideal which creates idolatry." Even hypocrisy, some one has said, is a tribute to the idealism of the hypocrite. "Man is a lover and maker of myths. From prejudice, from chivalry, from patriotism, from mental sloth, from sheer inability to know the thing that is and tell a plain tale . . . he cherishes legend, fable, romance, anything but simple fact." Socrates pleaded before his judges: "Be not angry with me for

1. Douglas' loss of everything but courage and devotion to the union in the sweeping antislavery tide, illustrates how, when a man has apparently lost all, something yet is found by fate to take from him. In 1857 the democratic territorial legislature of Nebraska passed a bill to remove the capital from Omaha to a point near the site of the present Lincoln, to be called Douglas City. But the governor vetoed the bill, and through the bribery of a very few members it could not be passed over the veto. Ten years later a removal bill was passed. After its third reading a "copperhead" senator from Omaha, hoping to disgust other virulent democrats who favored removal, moved the substitution of Lincoln for Capitol City as the name of the new capital, but to insure success the rabid removalists promptly accepted the obnoxious substitute, and the name of the successful rival of "the father of Nebraska" is thus perpetuated instead of his own. "History of Nebraska," Vol. 3.

speaking the truth. For it is not possible that any man should be safe who sincerely opposes you or any other multitude." Lincoln's leadership during a great war in which his side was successful, the incident of the emancipation proclamation and his tragical death, were his apotheosis. And yet the fact that the popular estimate places Lincoln's fame on a much higher plane than that of Douglas should be taken as conclusive of the justice of the award. It need not be said that Lincoln was abler than Douglas, chiefly because his mental capacity was better backed than that of Douglas by moral and emotional capacity. But it should be said that owing to the sheer passions and prejudices of the slavery imbroglio and the resulting war, Douglas has been much underrated and maligned.

Lincoln's political finesse marred his greatness. Major General Jacob D. Cox, level-headed and fair minded, illustrates this in his "Reminiscences of the Civil War:"

"Sherman's indignation boiled over in his reply (to the announcement of the promotion of Hovey and Osterhaus to be Major Generals) which said: 'I wish to put on record this my emphatic opinion, that it is an act of injustice to officers who stand by their post in the day of danger to neglect them and advance such as Hovey and Osterhaus, who left us in the midst of bullets to go to the rear in search of personal advancement. If the rear be the post of honor, then we had better all change front on Washington.' . . . Mr. Lincoln was susceptible to reasons of political policy in the use of appointments to office. In the case of Osterhaus the president added that his promise had been given on what he thought was high merit and somewhat on his nationality. In short Indiana and Missouri were doubtful states and the German vote was important. But what idea of military promotions was that which, in such a war and in the midst of such a campaign, advanced officers to the highest grade on personal importunity, not only without consultation with their commanding general in the field, but in spite of his protest; which does not seem even to have asked the question what was going on in Georgia and what would be the effect of such action upon the army there."

Referring to the Wade and Davis manifesto, opposing the reelection of Lincoln in 1864, General Cox says:

"The elegant orator and polished man of the world (Henry

Winter Davis) felt no magnetism but that of repulsion; and his senses were so dulled by it that he never guessed the wisdom and the breadth, the subtle policy and the deep statesmanship, the luminous insight and the unfaltering purpose which now seem writ so plain in Lincoln's words and deeds. It was a strange and not altogether exhilarating experience for me; but I had afterward to learn that the belittling view of Lincoln was the common one among public men at Washington."

This incident took place at a dinner given by Garfield where Cox, Davis and Schenck were present. Shenck agreed with Davis, and Garfield, unctuously treacherous by nature as particularly evinced by his treatment of Sherman and Conkling, egged them on by appearance of approval but without himself criticizing Lincoln.

Contrasted to Washington's lofty moral courage in a like situation, Lincoln's finesse shrinks to small politics. As John Fiske points out, "Washington had opposed Conway's claim for undue promotion, and the latter threw himself with such energy into the faction then forming against the commander-in-chief that it soon came to be known as the Conway cabal."[1] Washington's extremity was far greater and more critical than Lincoln's, and yet he refused to yield to political pressure where military justice, honor and efficiency were at stake, just as they were when Lincoln did yield. He the rather staked all on rectitude and won a most salutary and memorable victory.

It would be superfluous to enter on any estimate or enconium of Lincoln. Even the ample legitimate room has been well filled by those most competent, while of late penny-a-line spuriousness has inundated the field. He is rightly judged by the abundance of pure gold in him, set free in the seven times heated furnace of the war which he unmeaningly contributed so much to precipitate. The moral genius and the statesmanship which responded to the unlimited and crushing demand of those crowded years of tragedy are being thrust into cheapening familiarity. The fates so loaded the scales against his rival that little is generally known, and less thought or said, about his great triumphs and greater disappointments and misfor-

1. "The French Alliance and the Conway Cabal," Atlantic Monthly, August, 1889.

tunes. We venerate Lincoln because his greatness was on our common level, kept close to Mother Nature.

"For him her old world molds aside she threw,
And choosing sweet clay from the breast
Of the unexhausted west,
With stuff untainted shaped a hero new.

* * * * * *

His was no mountain peak of mind,

* * * * * *

Broad prairie, rather, genial, level-lined,
Fruitful and friendly for all human kind."

The real greatness of the man suffices—better, it seems to me, than the super-man now in the making. His marvelous hold upon the popular regard is due to his genuineness, naturalness and simplicity. He was raised in the very bosom of nature, and his responsive temperament answered to her every mood. The observation of Lamb that "the solitude of childhood is not so much the mother of thought as it is the feeder of love, of silence and admiration," was exemplified in Lincoln. "Nature," says Chesterton, "has the power of convincing most poets of the essential worthiness of things," and in nature's embrace Lincoln was early impressed with the worth of men. But the popular adoration of this great, yet common man is not without mixture of vanity. The shrewd founder of institutional Christianity penetrated and utilized this human instinct:

"For we see Jesus who was made a little lower than the angels . . For it became him, for whom are all things and by whom are all things . . . to make the captain of their salvation perfect through sufferings . . . for which cause he is not ashamed to call them all brethren. For verily he took not on him the nature of angels; but he took on him the seed of Abraham."

Lincoln did not go abroad clad in an old, shabby, "country" shawl, or perform his morning ablutions in the bucket of water on the open back stoop of the White House as a bid for hero-worship, but therefore he thus the more effectively contributed

toward winning it. Those bent on creating an unreal, an omnipotent and omniscient Lincoln unwisely insist that he was a great lawyer. George R. Peck, of the Chicago bar, in a recent address, concludes that, though he regarded him as the greatest man of his century, yet as a lawyer his standing was only respectable, and this seems to have been the opinion of his contemporaries most able to judge. Herndon, his partner, said, "Lincoln was a good lawyer in a good case and a poor lawyer in a bad case"; and Nicolay and Hay tell us that "on the wrong side he was always weak." These views should be welcomed; for the qualities of a great lawyer are incompatible with Lincoln's kind of greatness. If he had been the great lawyer he could not have been the greater Lincoln. Nor is it necessary in arriving at this conclusion to accept Robert R. Ingersoll's definition of a lawyer, namely: "A sort of intellectual strumpet," or Lord Brougham's: "a fellow who gets back your estate for you and keeps it himself," or Lincoln's own conception of a lawyer as quite recently illustrated by a story of Fernando Jones. Mr. Jones was a witness in a case of Lincoln's and on his side. The oposing lawyer had treated him very roughly on cross examination, and when the ordeal was over Jones took a seat beside Lincoln who whispered: "He was rather rough on you, wasn't he?" Jones replied, hotly: "Yes sir; he's no gentleman;" whereupon Lincoln responded sadly: "No, he's a lawyer." Mr. Peck says that no other man since Shakespeare "ever had the art, or rather the nature, to say so much in a single sentence," and Judge Blodgett credited him with the power of unrivalled clearness of statement. In his "house-divided-against-itself" speech, he summed up the doctrine of squatter sovereignty, in its moral aspect, in a wonderfully telling epigram: "That if any one man choose to enslave another no third man shall be allowed to object."

In contrast to almost all political speeches, which are unreadable, Lincoln's are all but literature. We may best appreciate his character and his greatness by comparison and contrast. When we contemplate him, we think by natural association of three—perhaps four—other men: Washington, William the Silent, Robert E. Lee, and perhaps Cromwell. In the field of

statesmanship—in its largest sense—his greatness was as superior to that of any of his contemporaries, as Washington's was superior to Hamilton's, Lee's to that of Jefferson Davis, William's to that of any political leader of his age, or Cromwell's to that of any of his contemporaries. Motley's test of William's greatness, except in the religious particular, applies peculiarly to Washington:

Of the soldier's great virtues—"constancy in disaster, devotion to duty, hopefulness in defeat—no man ever possessed a larger share. He arrived through a series of reverses at a perfect victory. He planted a free commonwealth under the very battery of the inquisition, in defiance of the most powerful empire existing. He was therefore a conqueror in the loftiest sense, for he conquered liberty and a national existence for a whole people."

William's career was different from Washington's in the important particular that he had not a single lieutenant of high character or ability, and the more so from Lincoln's, who throughout his test had not only lieutenants of the greatest ability, both civil and military, but unlimited and vastly preponderating resources of men and supplies. Lee's character and constant extremity answer to those of William and Washington, but while his achievement may have been as great, it failed by—let us say—the technical, or mechanical test of success. But the great novelist's higher test supplies the lack of Lee and applies largely, also, to Lincoln: "The beauty or ugliness of a character lay not in its achievements but in its aims and impulses: its true history lay not among things done but among things willed." While we know that Lincoln possessed military sagacity, we do not know that he possessed the military genius of William, of Cromwell, or of Washington. But the greatest test, perhaps, of William and Washington was fortitude. This quality was very great in Lincoln, but so far as we know, it fell short of that of the other two, because for reasons suggested, it was not called on to the supreme limit. But in the most effective if not the highest quality of leadership—the insidious spirit, the genius of fellowship—Lincoln excelled the others—more than that, perhaps, all others.

A HISTORY OF SLAVERY

BY SALLIE R. MC LEAN

IN the January, 1909, number of the AMERICAN HISTORICAL MAGAZINE will be the first chapters of one of the most valuable historical publications that has appeared in the American magazine press for many years. This will be a complete history of slavery, as it has existed in the United States. It will be from the pen of Sallie R. McLean, whose contributions to this magazine and to other historical periodicals have given her a recognized position among native historical writers.

In the first installment of this series of papers, Mrs. McLean will present an introduction treating briefly of the subject of slavery from the world point of view. She will review the origin of slavery and present many interesting facts concerning the slavery of white peoples by those of the same and other nationalties, and also the slavery of other races, such as the white slaves of the colored races and the colored slaves of the white races. With this brief explanatory introduction leading up to the main subject the history of white slavery in the American colonies will be taken up. Then the beginning of African slavery in these colonies will be related, the cause of its installation and the different phases of its development being carefully set forth and explained.

Following will be a consideration of the extent and status of slavery at the time of the Declaration of Independence, and the attitude of the leaders of the American Revolution in regard to it at that date, and, subsequently, their opinions and conclusions as voiced in the constitutional convention. Connected with this part of the subject will be a careful, soundly studied and exhaustive review of public opinion in the north and in the south regarding slavery at the close of the Revolution and the causes of the change of views that came about in those two sections will be presented.

Then will come full consideration and explanation of the action of the various states on the slavery question and the introduction of the subject into national legislation. From that point onward, in successive numbers of the magazine, the subject will be treated most completely and in a scholarly manner in all its different phases and brought down to the present day.

THE TRADITION OF HVITTRAMANNA-LAND

BY L. D. SCISCO

AN interesting fragment of old Norse tradition which has survived to our days to puzzle students of the pre-Columbian voyages relates to a country called by the Icelanders Hvittramanna-land or White Man's Land, and bearing also the alternative name of Ireland the Great. The old saga writers and chroniclers, in casual allusions to certain voyages made by Iceland men, mention this country in a vague way. It is quite evident that the vagueness of their utterance reflects an equal vagueness in their knowledge. For modern students the tradition owes what importance it possesses to the interpretation of it made by various writers who claim that it proves Irish colonization in America at a remote date, preceding even the landfall of Leif Erikssen.

About the beginning of the eleventh century is the earliest appearance of the tradition in the mouths of Icelanders. Thorfinn Karlsefni, famous for his attempt to colonize the American coast, gave up the struggle in the face of hostile skraellings and restless followers, sailing back to Greenland somewhere about the year 1006. On his way he kidnapped two native boys from Nova Scotia or Newfoundland. In time, having learned to talk with their Norse captors, the boys told of their former home, saying that there was a land "on the other side, over against their country," inhabited by people who wore white garments, yelled loudly, and carried before them poles to which rags were attached.[1] This remarkable fragment of ethnologic lore was absorbed into tradition and passed along to the unknown writer of the Erik Saga, who put it in words probably in the earlier part of the twelfth century. "And people believe," says the unknown writer, "that this must have been Hvittramanna-land or Ireland the Great."

1. Reeves, "Finding of Wineland the Good," pp. 51, 120; De Roo, "History of America before Columbus," vol. 2, pp. 87, 538.

It was probably a little later than the exploit of Karlsefni, but still well in the forepart of the eleventh century, that an Icelandic sailor brought home from foreign parts a tale which affords another glimpse of the old tradition. The sailor was Hrafn Hlymreksfari or, to transform his name, Hrafn-who-sailed-to-Limerick, and presumably he brought home his tale from the city with which his name is associated. It seems that sometime in the last twenty years of the tenth century,[2] before Iceland accepted the Christian faith, a man of some social standing named Ari Marssen had sailed away on the broad ocean and had never returned. It was of him that Hrafn heard. Ari, the story went, was in a region called Hvittramanna-land, from which he could not fare away. He had been baptized during his stay there. Later, the tale brought by Hrafn was confirmed by certain Iceland sailors who visited the Orkneys and heard about Ari from the lips of one Thorfinn, apparently the earl of that name who ruled from about 1030 to 1064. Thorfinn's report added that Ari was held in honor in the region where fate had cast him. These tales of Ari and his home passed into family tradition. Late in the eleventh century Thorkel Gellison, great-grandson of Ari, told his nephew Ari Frode the story, and about 1120 the latter incorporated it into his Landnamabok,[3] stating his authority. But Ari Frode did more than merely tell the tale as he heard it; or perhaps he phrased a part of Gellison's tale as if it were knowledge from another source. His prefatory sentence states that "Hvittramanna-land, which some call Ireland the Great, lies westerly in the sea, near Wineland the Good, and is six daegra sail west from Ireland,"[4] and this one statement, taken apart from its context, may be listed as another one of the sources from which knowledge of the mysterious country is gleaned.

About the middle of the twelfth century the Arabic geographer Edrisi wrote his celebrated treatise describing the countries of the known world. Among them he reckons, according to one translation,[5] Ireland the Great, which he mentions briefly

2. De Roo gives data as to the time, vol. [illegible] pp. 78-79.

3. Text and translation in De Roo, vol. [illegible], pp. 76, 535; translation in Reeves, p. 11.

4. Text and translation in De Roo, vol. [illegible] p. 535

as a place distant one day of navigation from the island of Reslanda, (the modern Iceland). Edrisi's knowledge of the regions of the North is very vague and his note seems of slight value even if correctly translated. Its significance disappears entirely in the light of a later opinion that his phrase should properly be read "great island of Ireland."[6]

These sources are the authorities quoted in modern efforts to introduce into historical literature the mysterious country of Hvittramanna-land or Irland-et-Mikla, a region which was evidently believed to be existent by those Icelandic writers who chronicled its name, but which is unknown to other geographical records, either ancient or modern. The efforts to identify the country through historical research have been persistent but inconclusive. Its name still represents one of those unsolved antiquarian puzzles that perplex historical students and invite attempts at solution.

The statement of Ari Frode that the country lay near to Wineland the Good has been the basis of all schemes of identification. As early as 1568, it is said, a priest of Iceland had a chart showing the location of Hvittramanna-land and other American regions near which it was believed to lay,[7] and the old but undated Ms 770c of the Arne Magnussen collection sums up the geographical data of the Erik Saga and the Landnamabok in this wise: South of Greenland lies the skraellings' country, then Markland, then Wineland the Good: next and somewhat behind lies Albania, which is White Man's Land. Thither was sailing formerly from Ireland, and there Ari Marssen was recognized by Irishmen and Icelanders, he having been made a chief there.[8] Thus the early redactors accepted the implications of Ari Frode without reserve.

The historian Torfeson touched upon the subject in 1705. He quoted the Landnamabok and unhesitatingly identified Ari Marssen's retreat with the Canadian country.[9] Moreover he sought

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5. Jaubert, "Geographic d'Edrisi," 1840, vol. 2, pp. 426.
6. Storm, "Vinlandsreiserne," 1888, pp. 70-71.
7. Rafn, translated in Beamish, p. 210.
8. Text and translation in De Roo, vol. 2, pp. 89, 539.
9. Torfeson, translated by Herbermann in "History of Ancient Vinland," 1891, pp. 14, 61.

and, as he believed, found more evidence bearing on the question. There is a tale in the Eyerbyggja Saga about one Bjorn Asbrandssen, who made love to Thorodd's wife and who was forced by his neighbors to leave Iceland because of it. He sailed away with a northeast wind and disappeared from his satisfied neighbors' ken. Many years afterward, "about the days of King Olaf the Saint," which means before 1030, news of Bjorn came through the adventures of another Icelander, by name Gudleif Gudlaugssen. Gudleif fared from home on a trading voyage to Dublin, and in due time turned his boat homeward. Sailing near the Irish coast the vessel was swept far to the southwest by a storm and finally found haven on a coast where the people seemed to speak Irish but were led by a chief who talked with the sailors in Icelandic. This chief was eventually found to be the exiled Bjorn. On this occasion he saved the mariners from captivity and they sailed their boat back to Dublin and stayed there for the winter.[10] Nowhere in this tale does the Eyerbyggja Saga mention Hvittramanna-land, but Torfeson saw in the southwest drift of Gudleif's boat the hint of a transatlantic voyage and he declared that Bjorn must have been found upon some part of the North American coast.[11]

After Torfeson no important exponent of Hvittramanna-land identity arose until Rafn took up the subject, although Schoning in 1781 suggested that the Azores could fulfill the geographical requirements of the old legend,[12] and Rask in 1831 formulated the statement that an Irish colony may have existed just south of the St. Lawrence River.[13] It was Rafn who placed the legend upon a basis of earnest but slightly credulous investigation, and sounded a keynote to which other writers long harmonized their comments. In 1820 there were published in the United States certain Shawnee traditions to the effect that Florida was once occupied by white people who possessed iron tools, and that the forefathers of the tribe had reached their earlier home in the Carolina region by crossing a great water.[14]

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10. De Roo, vol. 2, pp. 80-83, 535-538, has Norse text and translation, as also Reeves, pp. 84-87, 187-188.
11. Torfeson, pp. 15, 63-64.
12. Schöning, Norg. Riges Hist., vol. 3, p. 409.
13. Mass. Hist. Soc. Proc., vol. 18, p. 21, 1881.

Rafn found this a convenient inspiration. Assuming that the Indian tales were memories of European relations with America, and finding no hint of Norse ventures in the regions indicated, he explained all by supposing the presence of Irish colonists somewhere in the area extending from Chesapeake Bay to Florida.[15] His work was published in 1837. One great difficulty arose in the interpretation that Rafn chose, but he brushed it aside rudely. Ari Frode said plainly that Hvittramanna-land lay "VI daegra" sail west from Ireland, which seems to mean three days sail, or perhaps a distance of about 650 miles,[16] instead of the actual 1900 miles between Ireland and America. Evidently, argued Rafn, this was a scribe's error. Perhaps Ari really wrote XI, or XV, or XX daegra.[17] Thus could the difficulty be removed. It should be added that Rafn adopted Torfeson's hint and accepted the tale of Bjorn Asbrandssen as clearly relating to Hvittramanna-land.

Rafn's theory was in effect hardly more than tentative but it was long the only one that seemed to have any supporting evidence, and the writers on pre-Columbian voyages who followed him copied it more or less closely. Brinton in 1865 offered a substitute for the theory of Irish colonization, suggesting that White Man's Land was so called from the presence of an albino Toltec race, reference to which could be culled from the narratives of certain early explorers,[18] but his idea was left in unmerited obscurity by other writers.

Eventually Beauvois, before the *Congres des Americanistes*, had begun in 1875 to elaborate a new theory regarding the location. Abandoning the Shawnee legend, he based his argument instead upon the narrative of the Franciscan mission-priest Le Clercq, who visited the Miramichi region in Canada about 1677. The Franciscan found there an Indian tribe that used the cross as a talisman. According to these Indians the symbol was revealed to them by a vision long before the French came to the region, and having dissipated a pestilence on that occasion, it

14. "Archæologia Americana," vol. I, pp. 273, 276.
15. Rafn, "Antiquitates Americanæ," p. 448.
16. Reeves, "Finding Wineland the Good," pp. 173-174.
17. Rafn, Antiquitates Americanæ, p. 447.
18. *Historical Magazine*, Dec. 1865.

was ever after an object of veneration among them.[19] This, argued Beauvois, was evidence of former Christian activities in the region and explained the curious report by Karlsefni's captives, which must have referred to Christian ritualistic ceremonies. Also it tallied with the story that Ari Marssen found Christian baptism in the far western country where he went. More than this, it confirmed the mysterious geography of the Zeno narrative, the "Estotiland" of which was doubtless a distorted form of "Escoci-land," or Land of the Scots. Undoubtedly therefore, the White Man's Land of the sagas was the region of the lower St. Lawrence, colonized by the white-robed papas or culdees who came thence from Ireland.[20] In 1892 this theory received the approval of Gaffarel, and the added suggestion that Madoc, the Welch voyager, probably visited the Keltic colony of the St. Lawrence.[21]

The theory of Beauvois receives dissent from the American writer De Roo, whose work issued in 1900 gives the subject elaborate treatment.[22] To De Roo the Shawnee legend tells the same tale it told to Rafn of an Irish colony in the southeastern United States, and the author finds confirmatory evidence of the story in the supposed Keltic characters of the Grave Creek mound inscription, and in the alleged traces of Christian elements in the Toltec culture of the Mexican plateau. It is his theory that the Irish colonies were finally absorbed by aboriginal tribes, and he thinks that the advanced conditions noticed by early Spanish explorers among the Florida tribes may have been vestiges of Keltic civilization. The proofs of colonies near the St. Lawrence which Beauvois marshalls so laboriously are interpreted by De Roo as indicating settlements there by Christianized Norsemen rather than by Irishmen. Beauvois and De Roo are thus somewhat far apart in their interpretation of the evidence at hand. Together they represent the latest forms of the ancient legend of Hvittramanna-land.

While two centuries of investigation have contributed to build

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19. Le Clercq, "Nouvelle Relation de la Gaspesie," 1691, quoted by De Roo in "History of America before Columbus," vol. 1, pp. 442-448, 610-611.
20. Cong. Int. Americanistes, Compte Rendu, prem. session, vol. 1, pp. 41-93.
21. Gaffarel, "Historie de la Decouverte de l'Amerique," vol. 1, pp. 273-291.
22. De Roo, "History of America before Columbus," vol. 2, pp. 68-115.

up theories favoring a belief in the reality of Irish colonization in America, there are not wanting skeptical comments upon the idea, although in general historical writers have preferred to ignore the topic rather than commit themselves to either side of so uncertain a question. As far back as 1844 Laing declared the Icelandic sources worthless on this point, while admitting that they contained possibly a hint of some obscure knowledge of a western land.[23] Von Humboldt in 1847 accepted the identity of Hvittramanna-land with America, yet drew back from committing himself to the presence of Irish colonists in America.[24] Goodrich in 1874 called it a "mere tradition."[25] Vigfussen and Powell in 1879 considered the tale of Karlsefni's captives to be a reference to the red Indians.[26] Hubert Bancroft in 1882 declared the evidence insufficient to establish the Irish colonization in America as historic fact.[27] Storm in 1888 gave a careful investigation to it and concluded the belief in Hvittramanna-land to be a legendary survival of tales of Irish voyages to Iceland.[28] Winsor's opinion in 1889 is indicated by his phrase "those alleged Irish visits."[29] Reeves in 1890 characterized the legend as of "doubtful historical character" and refused to believe that Hvittramanna-land was identical with America.[30] Fiske in 1892 avoided pronouncing on the subject.[31]

The reason for this rejection of the colonization theory by careful scholars is not difficult of recognition. It is the sound principle that an allegation which seems improbable must be supported by credible evidence before it can be accepted as historic fact. The idea of Irish colonization in the west has too much of the improbable in it to be accepted on its face value. As a sea-faring people the Irish hold no fame whatever in history. That they had boats is acknowledged, for early writings tell of their curachs of stretched hides, and modern archælogists exhibit remains of great wooden dugouts, some of them forty

23. Laing, "Heimskringla," vol. 1, pp. 186-187.
24. Von Humboldt, "Kosmos," vol. 2, pp. 272-274.
25. Goodrich, "History of the So-Called Christopher Columbus," p. 86.
26. Vigfussen and Powell, "Icelandic Prose Reader," p. 384.
27. Bancroft, "History of the Pacific States, Central America," vol. 1, p. 76.
28. Storm, "Studier over Vinlandsreiserne," p. 69.
29. Winsor, "Narrative and Critical History of America," vol. 1, p. 83.
30. Reeves, "Finding of Wineland the Good," pp. 12, 87, 179.
31. Fiske, "Discovery of America," vol. 1, p. 149.

and fifty feet in length,[32] which must have been used either by the Irish tribesmen or by Scandinavian invaders. That the Irish ventured out upon the open sea is also acknowledged, for their recorded voyages to Wales, Scotland, and the Scottish islands seem sufficiently authenticated. It is even probable that they learned the route to Iceland, for Norse chroniclers admit that Erse adventurers preceded the Northern sea-rovers to the Faroes and to Iceland in the eighth century, and Dicuil's text seems to show that at least one party of these came from Ireland. Long ocean voyages by Irish canoemen could not, however, have been frequent. The facts that there were no Irish settlements of seaport fame, that there was no foreign commerce in Irish bottoms, and that, except for Dicuil's one vague reference, there is no record of westerly exploration by the Irish within the historic period, together show that seafaring skill and oceanic experience formed no attribute of the Irish peoples. Their appliances for navigation were of a very crude sort. The use of sails for motive power seems not to have been generally known. Such, at least, is the inference to be drawn from the rarity of reference to them in early writings, and from the absence of rigging devices in archæologic remains. From these considerations it is evident that the probability of transatlantic voyages by the Irish is most remote. Even were it granted, however, that Irish vesselmen were familiar with the use of sails, it must yet be recalled that the boldest efforts of the skilled Norsemen, in their voyages along the direct route from Norway to Iceland and Greenland, and in those on the route from Greenland to the North American coast, were carried out with great difficulty. It is doubtful if the Norsemen at their best could have colonized and afterward kept in touch with the American coast by the direct transatlantic route. Far greater is the doubt when less experienced Irish sailors are to be considered, and this adds to the discussion another point unfavorable to the theory of Irish discovery.

Of course such comments as these embody merely general objections, and cannot be used as conclusive arguments against special cases. They show, however, that the probabilities are

32. Wakeman, "Handbook of Irish Antiquities," 1903, p. 275.

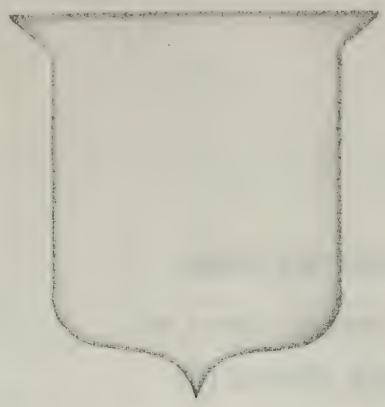
ranged against the alleged Irish voyages, and they demand the production of evidence by those who would assert the voyages to be veritable history. Were the claims in favor of the Irish more modest it is possible that historians might compromise on the discussion. It would require no great stretch of credulity to believe, for example, that one or two accidental voyages might have been made from the Irish coast by isolated canoemen. The claim actually made, however, cannot be compromised. In its simplest form it supposes the migration of sufficient persons to form a community in which one sturdy Norseman may be converted and another made a chief. Moreover it supposes voyages made again and again, first for populating the community, and then for holding communication with the motherland. In the elaborate theses of Beauvois and De Roo the authors seem to go farther and argue for a civilized Irish-American state.

Painstaking search for evidence bearing upon the theory of Irish voyages has not been lacking on the part of its friends, but results have been disappointing. Outside of the Icelandic texts there seems to be no direct testimony upon the subject, and the facts which are cited as important for their inferential value are interesting but not convincing. Obviously the desired evidence, if existing, should be found either in America or in Ireland. The former region possesses a wealth of ethnologic and archæological data, but all hints of Keltic traces thus far put forward are such as crumble before the touch of criticism. Legendary tales have been drawn upon from two sources. Chief among them are the Shawnee legend to which Rafn pinned his faith, and that of the Miramichi tribes which Father Le Clercq recorded. Both of these point to contact with Europeans, but in neither is there aught that points specifically to Keltic influence. With Indian legends as with other sorts of historical evidence the principles of interpretation forbid always that one shall go far afield for a meaning if an equally plausible one lies nearer at hand. It is not permissible, then, to assert a Shawnee memory of Keltic colonists of the tenth century, when Spanish, French, or English colonists positively known to have been in the Florida-Carolina region in the sixteenth and seventeenth

centuries, might readily figure in the legend as "white people who had the use of iron tools."

Similarly is not permissible to assert a transatlantic migration of the ancestral Shawnees when the nearness of the West Indies to Florida suggests an easier explanation of their legendary crossing of a sea. Probably the best judge of the value of this memory of a sea voyage was the writer whose pen recorded it, and he prefers to disbelieve entirely in any oceanic explanation of the tale.[33] In the case of the Miramichi legend it is not the legend itself that is relied upon to support the idea of Keltic colonists, but rather an independent inference based upon the legend, but here too the accepted principle of interpretation must rule, and it is not permissible to link the story of the cross-bearing tribesmen with that of an ancient colony when Catholic voyagers and missionaries had been within easy reach of these same tribesmen for a space of one hundred and thirty years preceding Le Clercq's visit.

(*To be continued.*)



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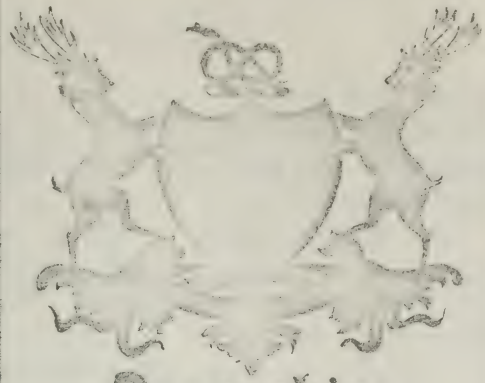

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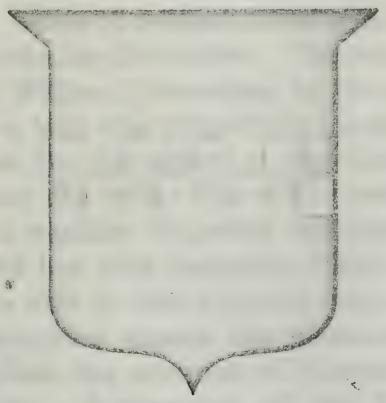

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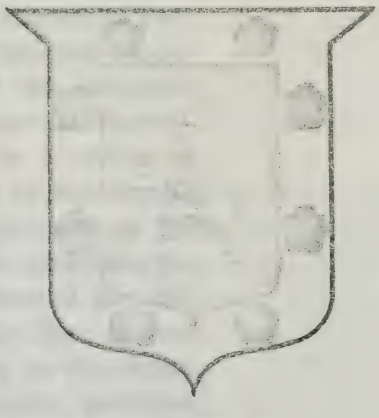

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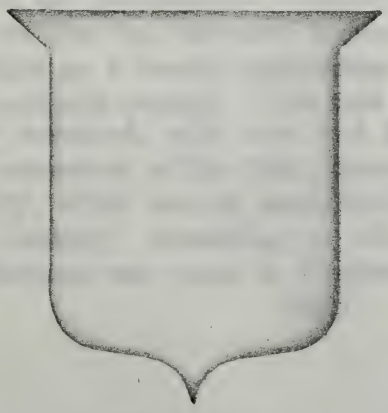

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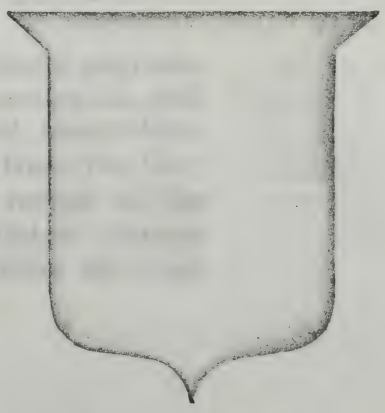


Campbell

BOOK OF BRUCE

BY LYMAN HORACE WEEKS

CHAPTER EIGHT

The Cavendish-Bruce Family of the Dukes of Devonshire

TO no family of England did the Bruce stock in matrimonial alliance bring more of success and brilliant renown than to that of Cavendish. In the early centuries of Scottish history the Cavendish ancestors were not of particular distinction. The marriage of Elizabeth Hardwicke to William Cavendish in the forepart of the sixteenth century—a lady who afterwards became the countess of Shrewsbury—was the beginning of the change. As the countess of Shrewsbury the widow Cavendish availed herself of her wealth and social position to guard and promote the interests of the children of her first husband. Under her tactful direction the house was able to take the first steps that lead toward the substantial position among the peers of the realm that it now holds. What the countess of Shrewsbury began in the direction of the advancement of the family fortunes, political, social, and financial, was added to, two generations later, by the countess of Devonshire, Christiana Bruce, daughter of Edward Bruce of Blairhall. It was undoubtedly due in no small degree to the genius of Christiana Bruce that her son and grandson as well as her descendents in succeding generations, achieved the renown that has attached to them.

Cavendish as a family appellation was not known previous to the fourteenth century. It is held by some genealogists, and generally accepted, with here and there a scant reservation, that the ancestors of the first Cavendish came from the Gernon family, which was of considerable note as remote as the eleventh century. According to this account, Robert Gernon was a Norman who came to England with William the Con-

queror in 1066. So far as the records show he does not appear to have been prominent, but he received several grants of lordships from King William and was a generous contributor to the churches. Matthew de Gernon, son of the preceding, married Hodierna, daughter of Sir William Sackville, who was a son of Herbron de Sackville. Ralph de Gernon, son of the preceding, was living in 1167. He married a sister of Sir William de Brewse, who was a descendant of the first Alan de Brusee who went into Scotland after the Norman invasion and, as has already been shown, established the Bruce family there. Ralph de Gernon, son of the preceding, founded the Lees priory in Essex. He died in 1248. William de Gernon, son of the preceding, died in 1258. He had a wife Eleanor and left two sons. One of his sons, Geoffrey de Gernon, was the father of Roger de Gernon who is believed to have married the daughter and heir of John Patton, lord of Cavendish in Suffolk County, his children adopting the title name of their maternal grandfather. The surname Cavendish was derived from the locality Cavendish of Suffolk County.

John Cavendish, son of the preceding Roger de Gernon, was a noted lawyer and judge of England in the middle of the fourteenth century. It is said that his father was a justice itinerant in the reign of King Henry II., which may account for the son's inclination for the legal profession. John Cavendish was chancellor of the University of Cambridge in 1380, and in 1352 was a collector in the counties of Essex and Suffolk. As early as 1366 he was a sergeant-at-law and soon after that time was a justice or the king's bench. In 1373 he was appointed chief justice and reappointed in 1378.

He was a lawyer of remarkable talent, and as a justice was particularly noteworthy, becoming one of the most conspicuous figures in his generation. His pronouncements from the bench were of strong character and made a deep impress upon the life of that period. One of his peculiar judgments attained more than transitory or mere local fame. As the story goes, he was trying a case in which the defendant, a lady, alleged as a defence in a suit involving land possession that she was a minor. The question of her age arising naturally, she announced her

willingness to leave the decision on that point to Chief Justice Cavendish, but he declined to render a decision, upon the grounds as he said:

"Il n'ad nul home en Engleterre que luy adjudge a droit deins age ou de plein age, car escuns femes que sont de age de XXX ans voile apperer d'age de XVIII."[1]

He died June 15, 1381, under distressing circumstances. The peasantry in Suffolk County, under the leadership of Jack Straw, had risen in riot against the ruling authorities and their rage was directed particularly against the lawyers. A mob of fifty thousand persons had assembled and John Cavendish was sent to suppress the insurrection. He was captured by the mob and with Sir John of Cambridge, a prior of the abbey, was brutally beheaded in the marketplace of York. The people were especially incensed against him personally because his son, John Cavendish, had some time previously killed Watt Tyler in the insurrection led by that individual.

He married Alice de Odyngseles, daughter and heiress of John de Odyngseles, and by her had two sons and one daughter. By this marriage he acquired the lordship of Cavendish-Overhall. His eldest son, Sir Andrew Cavendish, was sheriff of Suffolk and of Norfolk County and died in 1396.

John Cavendish, the youngest son of the preceding John and Alice (de Odyngseles) Cavendish was, an esquire to King Richard II. He is said to have slain Watt Tyler at Smithfield, and he served under King Henry V., being present at the battle of Agincourt in October, 1415.

"For William Walworth, Mayor of London, having arrested him, he furiously struck the mayor with his dagger, but being armed hurt him not; whereupon the mayor, drawing his baselard, grievously wounded Watt in the neck; in which conflict an esquire of the King's house, called John Cavendish, drew his sword and wounded him twice or thrice even to death. For which service Cavendish was knighted in Smithfield and had a grant of £40 from the King."[2]

1. "Year Book, 50 Edward III.," p. 12.
2. "Collins' Peerage of England," by Sir Egerton Brydges. 1812 Edition, vol. I., p. 308.

He married Joan Clopton, daughter of Sir William Clopton, and had three sons.

William Cavendish of Cavendish Overhall, son of John and Joan (Clopton) Cavendish died in 1433. He married Joan Staventon, and had two sons.

Thomas Cavendish, eldest son of William and Joan (Staventon) Cavendish, was of Cavendish and Poslingford, Suffolk. He died in 1477. He married Katherine Scudamore, who died in September, 1499.

Thomas Cavendish of Cavendish Overhall was the clerk of the pipe in the exchequer. He died in 1524. He married Alice Smith, daughter of John Smith of Podbrook Hall, Suffolk. She died in March, 1515, leaving two sons. One son, George Cavendish of Cavendish Overhall, was born in 1500, and became famous for his attachment to Cardinal Wolsey, whom he served from 1526 until the death of that prelate. After that he retired to private life and wrote a life of Wolsey. He died in 1562.

William Cavendish, youngest son of Thomas and Alice (Smith) Cavendish, was born about 1505, and early in life engaged in the public service. In 1530 the King appointed him a commissioner to visit the monasteries to receive from the monks the property which they were called upon to surrender to the crown. In 1541 he acquired valuable grants of land and in 1546 he was treasurer of the king's chamber, was knighted, and was made a member of the privy council. Throughout his life he enjoyed the favor of his sovereigns, Henry VIII., Edward VI., and Queen Mary, and was a very wealthy man. He died October 25, 1557. He married, first, Margaret Bostock, daughter of Edmund Bostock of Wolcroft in Cheshire, and had one son and four daughters. He married, second, Elizabeth Conyngsby, daughter of Thomas Conyngsby, and she died in 1540. He married, third, in 1541, Elizabeth Hardwicke, daughter of John Hardwicke, of Hardwicke, Derbyshire, and widow of John Barley, and by her he had three sons and three daughters. After his death she married George Talbot, the sixth earl of Shrewsbury, and became famous as the great countess of Shrewsbury.

William Cavendish, second son of the preceding William

Cavendish, was a member of parliament in 1588; a high sheriff of Derbyshire in 1599, and a justice of the peace in 1603. He was created Baron Cavendish of Hardwicke in 1605. Becoming seriously concerned in the advancement of English interests in America, he was associated with other leading men of his time in promoting the colonizing of Virginia and the islands of Bermuda; one island of the Bermuda group was named for him. He inherited a large fortune from his mother, the countess of Shrewsbury, and from his elder brother, Henry Cavendish, who died in 1616. Among the possessions received from his mother were the three estates of Chatsworth, Hardwicke, and Oldcotes, which have been described as "the three most splendid estates ever raised by one hand." He was created earl of Devonshire in 1618 and died March 3, 1625-26. He married, first, Anne Keighley, daughter of Henry Keighley of Keighley, Yorkshire, and had three sons and three daughters. He married, second, Elizabeth Boughton, daughter of Edward Boughton of Couston, Warwickshire, and widow of Sir Richard Wortley of Yorkshire.

William Cavendish, second son of the preceding, William Cavendish, and the second earl of Devonshire, was born in 1591. He was a member of parliament in 1621 and thereafter, and lord lieutenant of Derbyshire in 1619, and again in 1625 and 1626. He was a man of many accomplishments, one of the noted gallants of his age, and a spendthrift of such prodigality that when he died he left his family almost in poverty and his estate burdened with indebtedness of every description. He died June 20, 1628.

He married, in 1608-9, Christiana Bruce, who became one of the most famous women of her time in England and whose marvellous abilities exercised in various directions not only resuscitated the fortunes of the house of Cavendish but started son and grandson on that splendid career which since her time has distinguished the house of Devonshire. She was young in years when married, being less than thirteen, and she took to her husband a handsome dowry from the king, James I., who esteemed her father Edward Bruce, lord of Kinloss, as one of his prime favorites. To this dowry the king persuaded the father

of William Cavendish to add a substantial amount so that the young couple were well started in life.

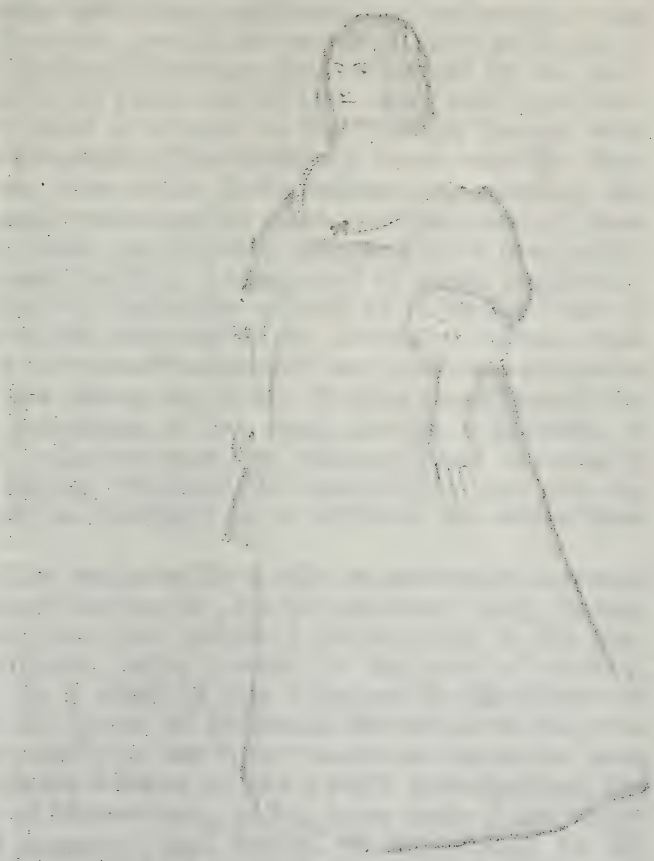
Upon the death of her husband it was discovered that his estate was heavily charged and complicated with nearly thirty law-suits. The countess thereupon devoted herself to saving the property and to the education of her son, to whom she was intensely devoted. The litigation in which she was involved was made as perplexing and tedious as possible by the cunning and power of her adversaries, yet in the end she triumphed over all opposition and her success was so marked that it became the talk of the kingdom. On one occasion King Charles jestingly remarked to her, "Madame, you have all my judges at your disposal," which perhaps may be taken as an indication of how she was able to overcome the disasters that threatened her estate. She developed marked business talent and increased the value of her holdings until she became very wealthy.

She had fine intellectual qualities and also took an active and important part in the politics of the kingdom. At the time of the rebellion against the Stewarts, she supported the cause of the royal house, and after the battle of of Worcester carried away and concealed for King Charles much of her personal property. Her devotion to the Stewarts was intensified by the death of her younger son, Charles Cavendish, who was killed at the battle of Gainsborough, July 27, 1643, fighting against the army of Cromwell. During the protectorate she maintained her relations with the royalists, giving them much secret assistance. After the restoration King Charles II. was frequently at her house, and she was upon intimate terms with the leading men and women of the new regime. Her palace was the center of hospitality and she entertained many men of letters who wrote agreeable verses in her praise. It was said of her that she was—

"of that affability and sweet address with so great wit and judgment as captivated all who conversed with her and of such strict virtue and morals that she was an example to her sex."

Horace Walpole wrote of her as follows:

"Christiana Bruce, Countess of Devonshire, was a lady of much note in her time. She was the daughter of the Lord



CHRISTINA BRUCE COUNTESS OF DEVONSHIRE.

From the Original by Vandyke in the Collection of the Marquess of Aylesbury

Bruce of Kinloss, one of the favorites of James I., who to facilitate her match into so great a family gave her, besides his recommendation £10,000. . . . In her youth she was the platonic mistress of William, Earl of Pembrooke, who, according to the romantic gallantry of the age, wrote a volume of poems in her praise which were published and dedicated to her by Dr. Donne. In every period she seems to have held one of those female tribunals of literature first instituted by the Marquise de Rambouillet at Paris and of late years very numerous there. The Lord Lisle in a letter to Sir William Temple tells him that the old Countess of Devonshire's house was Mr. Waller's chief theatre. One of the Independents has recorded her life in a small tract written in the more spiritual tone of those times. Upon the whole her ladyship seems to have been a fair model of our ancient nobility, a compound of piety, regularity, and human wisdom so discreetly classed as to suffer none of them to trespass on the interests of its associates. Thus while her devotion was universally admired, her prudence entrusted the education of her eldest son to Mr. Hobbes; and though she lived up to the splendour of her rank, having a jointure of 5,000 a year, so judicious was her economy that she nearly doubled it; and having procured the wardship of her son she managed his affairs so skillfully as to extricate his estate from a vast debt

"Nor were politics neglected by a lady so extremely tinctured with a knowledge of the world. On the contrary Lady Devonshire was not only busy but reckoned instrumental in the conduct of the Restoration, being trusted by the pearl of secrecy, General Monck. In a word, if this Countess in the flower of her age was like the Queen of Bohemia, the theme of the wits and poets of the court; in her riper years she seems to have imbibed the profitable wisdom of her Lord's grandmother, the famous Countess of Shrewsbury, and to have made it her study to preserve and augment that wealth of importance to the house of Cavendish of which the grandame had laid such ample foundation."

The countess of Devonshire died January 16, 1674-5. Her second son, Charles Cavendish, who was born in 1670, was named after Prince Charles Stewart. He served in the war against Cromwell, becoming a general of cavalry. At Gainsborough, July 28, 1643, he was defeated and killed.

William Cavendish, the third Earl of Devonshire, son of the preceding, was born in 1617, and upon the coronation of

King Charles I. in 1625 he was made a knight of Bath. His advancement in public life was rapid and he became lord lieutenant of Derbyshire in 1638, retaining that office until 1641, and was high steward of Ampthill in 1639-40. Devotedly attached to the royalist cause he was marked by the opponents of the Stewarts, and was one of the eight peers of England who were impeached for high crimes and misdemeanors and expelled from the house of lords in 1642. He was attained and his estate was sequestrated and a heavy fine imposed upon him. Under these circumstances he was obliged to leave England and remained abroad on the continent until 1645. Then he secured pardon and lived in retirement with his mother at Latimers, Buckinghamshire. Upon the restoration of the house of Stewart his disabilities were removed and he was reappointed lord lieutenant of Derbyshire. He was a man of high culture, interested in scientific pursuits and was one of the original Fellows of the Royal Society. He died November 23, 1684. He married Elizabeth Cecil, daughter of William Cecil, earl of Salisbury. She died November 19, 1689.

William Cavendish, eldest son of the preceding, was born January 25, 1640, and was educated under the careful direction of his grandmother. In 1661 he was a member of parliament for Derbyshire, and was again in parliament in 1666. He served in the British navy in 1665, and in 1669 was appointed on an embassy to France. From 1675 until 1681 he was in parliament in strong opposition to the court party, and became one of the foremost men in the realm. He succeeded his father as earl of Devonshire in 1684. He was a man of pronounced views, irascible, and impatient, and was constantly in trouble with others who were active in the public affairs of the day. As a result of an encounter with Colonel Thomas Culpepper he was sentenced to pay a heavy fine and was condemned to confinement. He escaped from prison but all the influence of his grandmother, the countess of Devonshire, and her family could not avail wholly to save him from the consequences of his act. It was not until long afterwards, in 1697, when political power in parliament had changed that the record of his conviction was removed.

For several years in the latter part of the seventeenth century he was living in retirement but never ceased his opposition to King James and was among those who made plans for the succession to the English throne of the Prince of Orange. He was very useful in bringing about the accession of William and Mary to the throne in 1689, and as a reward for his services the new sovereign appointed him lord lieutenant of Derbyshire, and he was elected a knight of the Garter. In 1692 he served in the English army in Flanders, and as a result of that campaign he was created duke of Devonshire, being the first of his name to acquire the dukedom. He was also created Marquis of Hartington. These honors were conferred upon him in 1694 by King William and Queen Mary on the same day on which the head of the house of Russell was created duke of Bedford. Thus, to quote Macauley,

"The two great houses of Russell and Cavendish, which had long been closely connected by friendship and by marriage, by common opinions, common sufferings and common triumphs, received on the same day the highest honor which it is in the power of the Crown to confer."

After the death of King William he supported the succession of Queen Anne. He was much addcited to sport of all kinds, especially horseracing, and was noted even in that luxurious age for the munificence of his entertainments. His last public service was in assisting to conclude the union with Scotland for negotiating which he and his son, the marquis of Hartington, had been appointed among the commissioners by Queen Anne. He died August 18, 1707, and ordered the following inscription to be put on his monument:—"Willielmus Dux Devon, Bonorum Principum Fidelis Subditus, Inimicus et Invisus Tyrannis." He married in 1660, in Kilkenny, Ireland, Lady Mary of Ormonde, the second daughter of James, Duke of Ormonde; she died July 31, 1710. He had three sons and one daughter.

In later generations the representatives of the ducal house of Devonshire, descendants of Christiana Bruce, have not been less famous or less distinguished than those of their ancestors whose careers have here been noted. They have been promi-

nent in public life, serving their country at home and abroad, and have exercised a marked influence upon each generation of English life. The Devonshire ducal house is rightly regarded as one of the most eminent and most powerful in the United Kingdom.

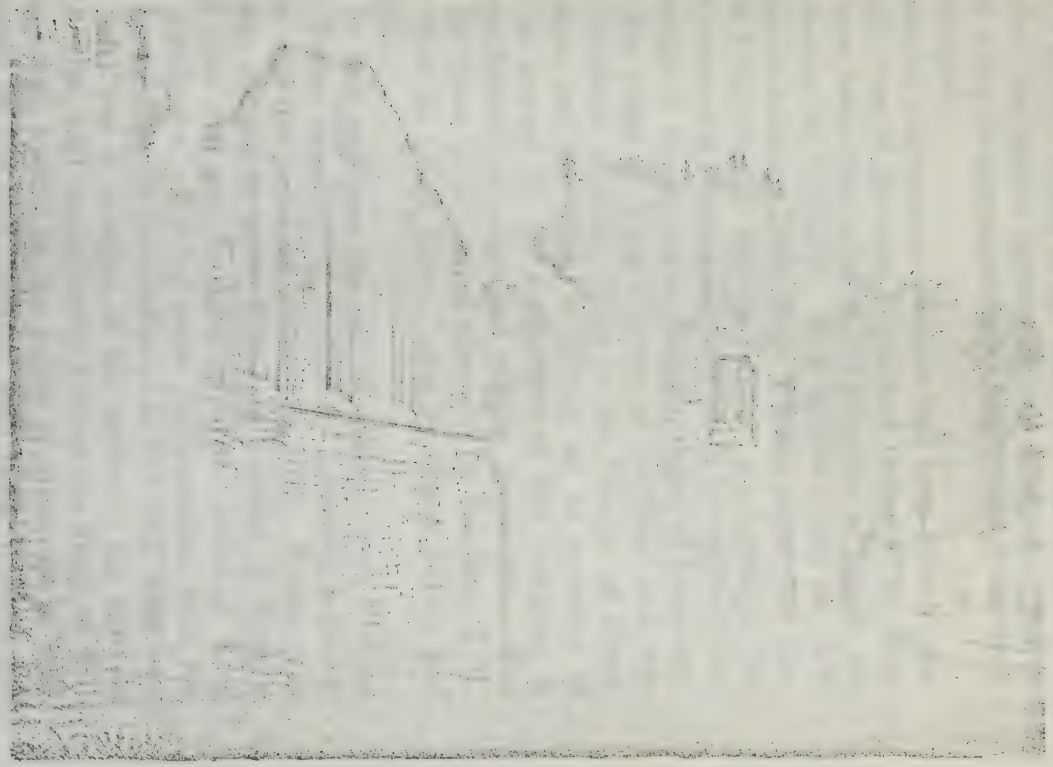
CHAPTER NINE

The Royal House of Stewart

AS a royal house, the family of Stewart which gave kings to Scotland and to England for several centuries and whose history became one of the most conspicuous parts of the annals of the United Kingdom, was more Bruce than Stewart. The surname was derived from ancestors who, while they had been not without distinction in the generations immediately preceding their matrimonial connection with the Bruces, were in no wise royal. The pedigree went back to men of eminence only a few hundred years, and, honorable as it was, the record in the beginning was not even of nobility.

Stewarts could claim no relationship to royalty previous to the marriage of Walter, high steward of Scotland, to Marjory Bruce. With that alliance there was brought into the family the blood of a stock that, as has been shown on preceding pages, went back generation after generation, not only on the male side but also in various collateral lines, to those who had been foremost in making history and in establishing nations upon the European continent and the adjacent islands. Between the Stewarts who began in the twelfth century and the Bruces who started from kings and princes six hundreds years before and could also trace back through generations to the royal houses of Scotland and Ireland, there was a wide difference. It was the royal strain brought into the family by Marjory Bruce that gave the descendants of Walter the high steward their claim to the throne. Therefore it was that the Stewarts as a ruling house were really Bruce in everything except name.

Still, despite these considerations, among the many great



KILDRUMMIE CASTLE

families with which the Bruce line became connected in marriage none was more worthy or had up to that time occupied a more conspicuous place in the history of Scotland than that of Stewart. Its history began in the time of William the Conqueror, and after the twelfth century it was a house of power and distinction while its representatives ranked among the leading men of Scotland.

So far as careful antiquarian research has been able to discover, the family was of Norman origin and traces of its English founder have been discovered in the province of Dol in the northeastern section of Brittany. It is believed that the first English or Scotch ancestor came from France about the time of William the Conqueror or shortly before. An ingenious but not altogether successful attempt has been made by some writers to trace the origin of the family to Bancho, thane of Lochabar, who lived in the reign of King Duncan of Scotland and was murdered by Macbeth in 1043. This is the Banquo of Boece and Shakespeare, and his place in history as an ancestor of the Stewarts, as argued by the supporters of this pedigree, is somewhat hypothetical although not wholly impossible. The argument in its favor is presented strongly by the Rev. J. K. Hewison in "Bute in Olden Time," and by others before and since that author.

According to this pedigree the son of Banquo was *Fleance* who married Nesta, daughter of Griffith ap Lewellin, a prince of Wales who was murdered by ruffians in 1045. *Walter,* son of Fleance, was obliged to leave Wales on account of disturbances at that time and was brought up in the court of King Edward the Confessor. Having some disagreement with the Saxon court he was sent to the continent to live with Alan, earl of Brittany, who was a relative of his mother. He married a daughter of Alan, and subsequently joining the army of William the Conqueror, fought in the battle of Hastings in 1066. For some reason he fell into disfavor with King William and retired to Scotland where he was received by King Malcolm III., and thereafter rendered considerable service to the Scottish king. In reward he was made *de dapifer domini regis,* an office which did not differ much from that of the high steward

of Scotland which was subsequently the hereditary prerogative of the Stewart family. *Alan*, son of Walter, became a valiant knight and went to the Holy War under the standard of Godfrey Bouillon. He was present at the taking of Jerusalem in 1099. After his return home he was made lord high steward of Scotland in 1153.

I.

Walter Fitz Alan is the member of this royal family who is accepted with certitude by all genealogists as the real founder of the stock in Scotland. From him downward to later generations the pedigree is without controversy. Variant and speculative genealogical discussion regarding him concerns itself only with his origin and ancestry. Those who hold to the genealogy just presented make him the son of Alan who was the great-grandson of Bancho. The more accepted and reliable view is that he was the son of Alan Flaald, a Norman knight who obtained, soon after the conquest of England, the grant of the castle of Owestry in the County of Salop. There is nothing to show that this Alan Flaald may not have been the Alan, son of Walter, who was lord high steward of Scotland in 1153 and is included in the supposed line from Bancho. According to Eyton and other Scotch historians, this Alan married Avelina or Adelina de Hesdinges, sister of Ernulf de Hesdinges and had three sons.

Walter Fitz Alan founded the Abbey of Paisley in Renfrewshire for monks of the Cluniac order from the convent of Wenlock in Salop in 1164, and his family became fully established in Renfrewshire where it remained for centuries, being a large owner of land, and wealthy and powerful. From the death of King David I., in 1153, to the death of King David II., in 1371, the Stewarts held chief sway in Renfrewshire and were persons of weight throughout the kingdom. It is said that Walter Fitz Alan went from Shropshire in England to Scotland during the reign of King David and that that monarch made him steward of Scotland and gave him valuable lands. In 1153 King Malcolm IV., the succeessor to King David I., confirmed these grants and further maintained the family in important stand-

ing. Eyton[3] says that he married Eschina, daughter of Thomas de Londoniis and heiress of Molle and Huntlaw in Roxburgshire. He died in 1177.

Alan Fitz Alan, son of Walter Fitz Alan preceding, succeeded his father in the important office of high steward of Scotland. He was a man of notable character and emulated the zeal of his father in religious affairs, giving many munificent grants to church institutions. He died in 1204 and was buried in the Abbey of Paisley. He married, first, Eva, daughter of Suan, who was a son of Thor, lord of Tippermuir and Tranant; second, Alesta, daughter of Morgund, earl of Mar.

Walter Fitz Alan, eldest son of Alan Fitz Alan preceding, became in turn the high steward of Scotland. So far as the records go he was the first to term himself and to be called *Seneschallus Scotiae.* On August 24, 1230, he was appointed by King Alexander II. to the office of justiciary of Scotland. He was held in such esteem by King Alexander that he was commissioned as an ambassador to negotiate with Mary,—the daughter of Ingelram, count de Coucy—for her marriage to the king of Scotland after the death of his first wife in 1239. He was preeminently successful in this mission as the marriage of the king to Mary of Ingelram in the same year fully evidences. Like his father and his grandfather he was a benefactor of the church, and besides other grants for religious purposes, he founded the monastery at Dalmulin on Air. He was born in Paisley and died there in 1246. He married Beatrix, daughter of Gilchrist, earl of Angus, and had four sons and three daughters. His sons were Alexander Fitz Alan who succeeded him; John Fitz Alan who was killed at the siege of Damietta in Egypt in 1249; Walter Fitz Alan who by his marriage became earl of Monteith; and William Fitz Alan.

Alexander Fitz Alan, eldest son of Walter Fitz Alan preceding,, became high steward of Scotland after the death of his father. He was a valued counsellor of King Alexander III., and in 1255 was named as one of the regents of the kingdom of Scotland. In that year he received a charter of the barony

3. "Antiquities of Shropshire," by R. W. Eyton, vol. VII., p. 228.

Garbis and he gave many charters and grants to churches. He was not only beneficent and well-disposed toward his dependents but was a brave man and a capable commander in military affairs. At the battle of Largs, in 1263, he led the Scottish forces under King Alexander III. and was mainly instrumental in the defeat of the Norwegians under King Hakon. In 1264 he was sent to the Isle of Man to receive there the subjection of the people who heretofore had been under the domination of the kingdom of Norway; and he secured the annexation of the island to Scotland.

When at Rosburgh in 1289 the nobles of Scotland assembled to consider the succession to the crown of Scotland in case of the decease of the ruling king he was prominent and influential in the deliberations. He was a subscriber to the agreement for marriage between Mary, the daughter of King Alexander III., and Eric, king of Norway. He died in 1283. He married Jean, daughter of James Macrory, who was the son of Angus Macrory, lord of Bute. His children were James Fitz Alan, who succeeded him; Sir John Stewart of Bonkyl, the ancestor of the Stewarts of that name, and Elizabeth Fitz Alan who married William, lord Douglas, of Lugton in Lothian.

Margaret Fitz Alan, the youngest daughter of Walter Fitz Alen and sister of Alexander Fitz Alan, married Neil, earl of Carrick. In the next generation the daughter of this marriage, Marjory of Carrick, married Robert Bruce, seventh of the name; by this marriage the first union of the houses of Bruce and Stewart was brought about.

James Fitz Alan or James Stewart, son of Alexander Fitz Alan preceding and the next high steward of Scotland, succeeded his father in 1283. By this time the Fitz Alan family had become habituated to the use as a surname of the name of the hereditary office that their ancestors had held for generations. It is not certain exactly when the change in the family name was made, and in fact for several generations both surnames were in use at the same time indiscriminately. But James Fitz Alan became James Stewart and his descendants gradually grew more and more accustomed to the use of the new name until finally they adopted it altogether. Like his ancestors, James

Stewart was a man of influence and power and was taken much into consideration in all important proceedings in the kingdom. In 1286 he was one of the six regents who were appointed to rule under Queen Margaret after the death of King Alexander III. In September 1286, associated with his brothers, John Stewart and Walter Stewart, earl of Monteith, and other leading nobles assembled at Turnberry Castle, he was a subscriber to the agreement to support the claims of Robert Bruce to the throne of Scotland.

In 1291 he was one of the auditors acting on the part of Robert Bruce to support that noble's claims before King Edward of England. In 1297 he gave his support to the cause of the patriotic William Wallace, but upon the failure of that enterprise he, in common with many other Scottish nobles, was compelled to make his peace with King Edward and swear fealty to that monarch. Still devoted to his country and willing to sacrifice everything to secure her freedom from English rule, in 1302, with six others of like patriotism, he visited France to solicit the assistance of King Philip to enable Scotland to maintain her liberties; and afterwards he was engaged in a similar mission to the court of Spain. He died July 16, 1309, in the sixty-ninth year of his age. He married Cecilia, daughter of Patrick, earl of Dunbar and March, and had three sons and one daughter. His sons were Walter Stewart, who succeeded him; Sir John Stewart, who was with the army of invasion that Edward Bruce led to Ireland in 1318, and with Bruce was killed at the battle of Dundalk; Sir James Stewart of Durisdeer.

Walter Stewart, son of James and Cecilia (Dunbar) Stewart, was the next high steward of Scotland. He was born in 1293. He was one of the staunchest and most trusted supports of the Bruce and when King Robert invaded Ireland in 1316, he and Sir James Douglas were appointed governors of Scotland to rule the kingdom in the absence of the king. He showed himself possessed of patriotic spirit and of military instinct at an early age, and in 1314 at Torwood, preceding the battle of Bannockburn, he brought a body of hardy men to support the Bruce, the sturdy warriors of Strathgryfe.

"Walter Stewart of Scotland fyne
That then was but a beardless hyne,
Came with a rout of noble men,
That might by countenance be ken."*

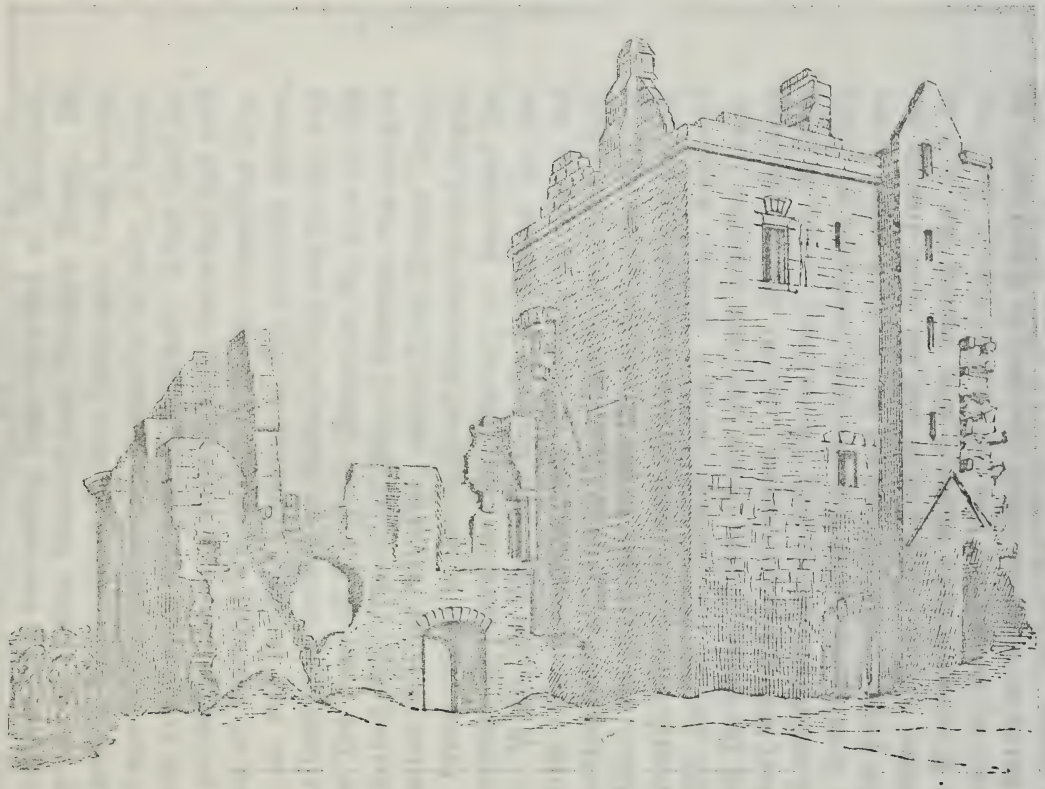
In arranging the forces of the Scottish army for the ensuing combat, Walter Stewart had command of the third division in company with Sir James Douglas.

"And syne the third battle they gave
To Walter Stewart for to lead
And to Douglas doughty of deed,
They were cousins in near degree,
Therefore to him betaught was he;
For he was young but not forthy,
I trow he shall so manlily
Do his devoir, and work so well
That he shall need no more zounseil."[4]

In the battle of Bannockburn he shared to the full the work and dangers of the day as well as the glory of victory. In recognition of his services he was knighted for bravery and at that time he had reached the age only of twenty-one. He married, early in life, Alice Erskine, daughter of Sir John Erskine, and had by her a daughter, Jean Stewart, who married Hugh, earl of Ross.

The romance of his life came after he had acquitted himself so brilliantly at Bannockburn before the eyes of King Robert Bruce and the other nobles of Scotland. In the next year when the royal Scottish prisoners, Queen Elizabeth, Marjory Bruce, daughter of the king; Christiana Bruce, sister of the King; the earl of Mar, the bishop of Glasgow, and others were released from the confinement in England in which they had been held by King Edward I. they were sent to the Scottish borders under English escort. King Robert Bruce commissioned Walter Stewart to receive them and escort them to Scottish soil. This was the first meeting of the young Stewart with Marjory Bruce and he immediately fell in love with her. King Robert must have held the young Stewart in the highest esteem for he

4. "Metrical Life of Robert Bruce," by John Barbour, pp. 228 and 232.



ROSYTH CASTLE

VIEW FROM THE SOUTH-WEST

willingly gave his daughter to him in marriage and conferred upon him the barony of Bathgate and other valuable lands. Marjory (Bruce) Stewart died in 1316, only a year after she was married. Walter Stewart married, third, Isabel Graham, daughter of Sir John Graham of Abercorn. He died April 9, 1326.

Robert Stewart, the succeeding high steward of Scotland, was the only son of Walter Stewart and Marjory Bruce. He was born March 2, 1316. When he was little more than seventeen years of age he was placed in command of a body of troops of the Scottish army upon the field of Halidon. After that defeat he was concealed for some time in Bute, knowing full well that the King of England was desirous of apprehending him, inasmuch as he was the heir-apparent to the Scottish throne. Bp act of parliament in session at Scone in 1318 the throne was entailed upon the issue of Marjoriy Bruce in the case of the death of all male heirs. Therefore Robert Stewart was next in line of succession to King David II., son of King Robert Bruce.

In 1334 he found refuge in the castle of Dunbarton and began actively to engage in plans for the recovery of Scotland for King David. While the king was in exile in France he was associated with John Randolph, earl of Moray, as one of the regents of Scotland and assisted in the military operations which resulted in Baliol, the pretender to the throne, being overthrown and driven from Scotland. In consequence of changes in the situation, in 1335, he lost the regency and Sir Andrew Moray of Bothwell took his place. Three years later Sir Andrew Moray died and Robert Stewart again became a regent. During all these years he was active in encouraging the national spirit of Scotland and in developing plans for the reinstatement of King David and the firmer establishment of the Stewart royal house upon the throne. When King David and his wife Joanna returned from France, Robert Stewart was among the first to greet them, and in the fighting that followed he was in the forefront of the battle at Durham which resulted so disastrously to the Scottish cause. After the capture of King David on this occasion Robert Stewart exerted himself to the uttermost to secure the release of Scotland's young monarch from the hands of the English. He was active and influential in the negotiations

for the treaty of peace between Scotland and England, and when that treaty was signed in 1357 he was one of the eight Scottish nobles who submitted themselves as hostages to King Edward to secure the fulfillment of its terms.

King David died February 22, 1370-1. As he left no male heir, Robert Stewart succeeded him on the throne and was crowned at Scone March 27, 1371. As a monarch King Robert II. made no marked impress upon his age. His precocious youth during which he accomplished so much for Scotland and his relative, King David, was the most brilliant part of his life. Although he reigned for nineteen years that period was of secondary importance compared to the preceding years of his life. It was of consequence only as marking an epoch in Scottish history, the commencement of a new race of kings—the Stewarts.

King Robert II. was past his prime when he came to the throne and seems to have lost altogether the spirit of activity that once dominated him. Shortly after his accession England again waged war upon Scotland but the King took no vigorous personal part in the defence of his country. Even when the French under Admiral Vienne came over to assist their Scottish allies King Robert was not present at first to meet them. Subsequently when he did see them he did not make a very agreeable impression. As one of the writers of that age said, they thought "it seemed right well that he was not a valiant man in arms; it seemed that he had rather lie still than ride."[5] After that the King retired to the Highlands and did not show himself for some time, taking no part in military operations because, as the same writer says, "he was not in good point to ride in warfare and there he tarried all the war through and let his men alone."

He died in 1390.

He married, first, Elizabeth Mure, daughter of Sir Adam Mure of Rowallan, and by her had four sons and six daughters. He married, second, in 1355, Euphemia, countess of Moray, daughter of Hugh, earl of Ross, and widow of John Randolph, earl of Moray, and by her had two sons and one daughter.

Robert (John) Stewart, son of the preceding by his wife Elizabeth Mure, was born about 1340. He was originally John

5. "Chronicles of England," by Jean de Froissart.

Stewart, but that name was changed to Robert in order that as a monarch he should not carry the name of John Baliol, the old-time enemy of the Bruces in their contesting for the throne, and also from the desire of his parents to preserve in the line of the kings in the house the family name of Robert. He was the eldest son of King Robert II., and upon the death of his father in 1390 he was crowned at Scone. Physically he was not strong, and he never really governed the kingdom. He had little inclination to rule and was quite willing to entrust the affairs of the kingdom to regents who directed affairs the greater part of his lifetime. The first regent, his brother Robert, earl of Fife and duke of Albany, was succeeded in 1399 by David Stewart, the King's son, earl of Carrick and duke of Rothesay.

Albany conspired against his royal brother, and contested the position of the duke of Rothesay, who shortly died at Falkland under circumstances which have never been fully explained, but which have always been regarded as pointing toward his having been put away at the instigation of his uncle Albany. These domestic troubles naturally gave King Robert much unhappiness, and he took less and less interest in the affairs of his kingdom, allowing the contentious nobles to go on altogether in their own way. Retiring to his castle Rothesay, he fell into sickness and died April 4, 1406. His melancholy pursued him to the end. It is related that his wife urged him to follow the examples of his ancestors and the custom of the age by preparing a royal tomb for himself, but he refused her importunings saying that he "was a wretched man unworthy of a proud sepulchre;" and he prayed her to bury him in a dunghill with this epitaph, "Here lies the worst king and most miserable man in in the whole kingdom."

He married Annabella Drummond, daughter of Sir John Drummond. She died in 1401. He had three sons and three daughters.

James Stewart, third son of Robert and Annabella (Drummond) Stewart, was born in Dunfermline in 1394. After the death of his brother David, duke of Rothesay, in March 1402, by reason of the anxiety of his parents lest he might fall victim to the animosity of his uncle Albany and other nobles, he was

placed with Bishop Henry Wardlaw at St. Andrew's to be cared for and to be educated. Two years later it was determined to send him to France for greater security, but on the way thither he was captured by an English man-of-war and with his companions taken to London where he was first imprisoned in the tower. During the subsequent nineteen years he lived in exile in England under more or less restraint, part of the time in prison, and again enjoying considerable freedom at the courts of King Henry IV. and King Henry V., and in the castles of English favorites of those kings. He was a man of pronounced literary taste and a writer of much merit. Several of his poetical works rank among the masterpieces of that period of English literature. The "Kingis Quair" tells in part his life story and a melancholy tinge pervades it.

"Bewailing in my chamber thus allone,
  Despeired of all joye and remedye;
Fortirit of my thought and wo begone,
  And to the wyndow gan I walk in hye,
  To see the world and folk y^t^ went forbye,
As for the tyme though I of mirthis fude
My^t^ have no more, to luke it did me gude."[5]

When he came to manhood he met with much favor from King Henry V., and accompanied that monarch on many military expeditions. He was present with King Henry at the siege of Melun when the army of France with its Scottish supporters was defeated after a four months' engagement. Thereafter he remained in France several years, but upon the death of King Henry he returned to England. When the treaty was arranged between England and Scotland, in 1423, he was released upon payment of ransom and the agreement of other minor conditions. Before his return to Scotland he married, in February 1423-4, Joanna Beaufort, daughter of John Beaufort, the first earl of Somerset, and granddaughter of John Plantagenet of Gaunt. On May 21 of the same year he was crowned king of Scotland as James I., at Scone.

As soon as he was seated upon the throne he manifested great personal interest in the affairs of his kingdom and entered

6. "The Kingis Quaire," by King James I., Canto II.

ROBERT II KING OF SCOTLAND.

upon a policy of inaugurating new legislation, a course that he consistently followed throughout his entire life. Very early in his reign he was drawn into a contest with the nobles of Scotland who were principally led by Douglas, Dunbar, and Lennox; some twenty-five or thirty nobles were engaged in opposition to the crown and eventually a rebellion broke out led by James of Albany and others. This uprising was suppressed and several of the leaders were hanged, but the movement of the nobles against the royal house was never fully overcome. Throughout his reign the Albany malcontents were in constant opposition and the King was never able to abandon the policy of trying to destroy the power of those great nobles. Toward the end of his life strained relations with England promised to bring about another war between the two countries and this added to his troubles. He was a monarch of much ability, ruling under the most discouraging conditions, but still accomplishing a great deal for his beloved Scotland. It has been said of him that "while the nation made his predecessors kings he made Scotland a nation."

He died February 20, 1437, being assassinated by Sir Robert Graham. The story is told that in the previous December he journeyed to Perth to keep Christmas.

"As he was about to cross the Forth a Highland woman shouted 'An ye pass this water ye shall never return again alive.' He took up his residence in the cloister of the Black Friars of Perth. While playing a game of chess with a knight nicknamed the King of Love James referring to a prophecy that a king should die that year said to his opponent, 'There are no kings in Scotland but you and I. I shall take good care of myself and I counsel you to do the same.' A favorite squire told James he had dreamt that Sir Robert Graham would slay the king and for this he was rebuked by the Earl of Orkney. James himself had a dream of a cruel serpent and horrible toad attacking him in his chamber."

Finally these prophecies and dreams were realized in his assassination. By the marriages of his children he strengthened the royal house and the Scottish kingdom by powerful home and foreign alliances. Margaret Stewart married Louis, the dauphin of France, who afterwards became King Louis XI. of

France. Elizabeth, or Isabel, Stewart married Francis, count of Montfort and duke of Bretagne. Joan, or Janet, Stewart married James Douglas, lord Dalkeith. Mary Stewart married Wolfram van Borselen, lord of Camp-Vere in Zealand, who by his wife was earl of Buchan in Scotland. Annabella Stewart married George Gordon, the second earl of Huntley. Eleanor Stewart married the archduke Sigismund of Austria.

James Stewart, Duke of Rothesay, son of Robert and Joanna (Beaufort) Stewart was born October 16, 1430. Only seven years old at the time of his father's death in 1437, he was crowned at Scone in March of that year. A regency was established, and the young prince was retained in the custody of his queen mother. Civil war between the rival nobles broke out and continued during the lifetime of this monarch as it had in the lifetime of his parent. When he became of age and assumed the throne and with it the authority, he was drawn into the contentions between the nobles, and, as his father had done, continued in opposition to the great leaders of the nobles' party. Personally he killed Lord Douglas and followed up that deed by a campaign in 1453-55 against the Douglas supporters. A war with England also demanded his attention, without which at that time no Scottish king could fairly consider himself to be ruling. In this war he laid siege to the city of Roxbury and there was killed accidentally August 3, 1460.

As a monarch he was vigorous, politic, and successful. Sincerely devoted to his people and desirous of raising Scotland to power as a nation, and of improving its domestic condition, he was naturally popular with the commons, but like his predecessors and those who followed him failed to win the approval and support of the noble class. He married in 1449 Mary Gelderland, daughter of Arnold, duke of Gelderland. By this marriage he strengthened the relations between Scotland and Flanders.

James Stewart, son of James and Mary (Gelderland) Stewart, was born July 10, 1451. In his minority the nobles, still struggling against their inevitable downfall as a concentrated political power, tried to usurp authority but were not at all successful. In the exigency King James III., who had been crowned at the Abbey Kelso on the death of his father, took actual control

of affairs in 1460 when he was only eighteen years of age. At that time he had just been married and his bride was twelve years old, the Princess Margaret, daughter of King Christian I. of Denmark. The first part of his reign was very fortunate since Scotland was quiet at home and enjoyed peace abroad. Presently, however, came the inevitable war with England, while the brother of the King, the duke of Albany, rose against him and secured the support of King Edward IV. of England.

For a time James was successful against this movement of the nobles, but at Sauchie in 1488 his army was defeated and he was driven despairingly from the field. The circumstances of his death as related by the historians of the period were touching, but reflect little upon his courage. Escaping from the field of disaster he imprudently revealed his identity to a woman who was drawing water at a well by mournfully telling her, "I was your king this morning." According to the traditional story the woman thereupon called for a priest, and a soldier of the victorious army who happened to be near by assumed that character. When asked by the fallen monarch to shrive him the soldier replied that he would give him short shrift and promptly dispatched him with his sword.

James Stewart, son of James and Margaret Stewart, was born March 18, 1472-3. After the fatal battle of Sauchie he was crowned as King James IV., and his troubles began at once at home and abroad. Some of the noble leaders who had been in revolt during the reign of his father were now restored to power, but the plottings that had been going on for generations preceding still continued, and King James found great difficulty in meeting them and keeping his kingdom quiet. At times he was courted by princes on friendly terms with his father-in-law, blessed by the pope, and at peace with his subjects. Again he was at odds with all parties and nearly all personages. In 1513 he was obliged to go to war again with England and was killed at Flodden.

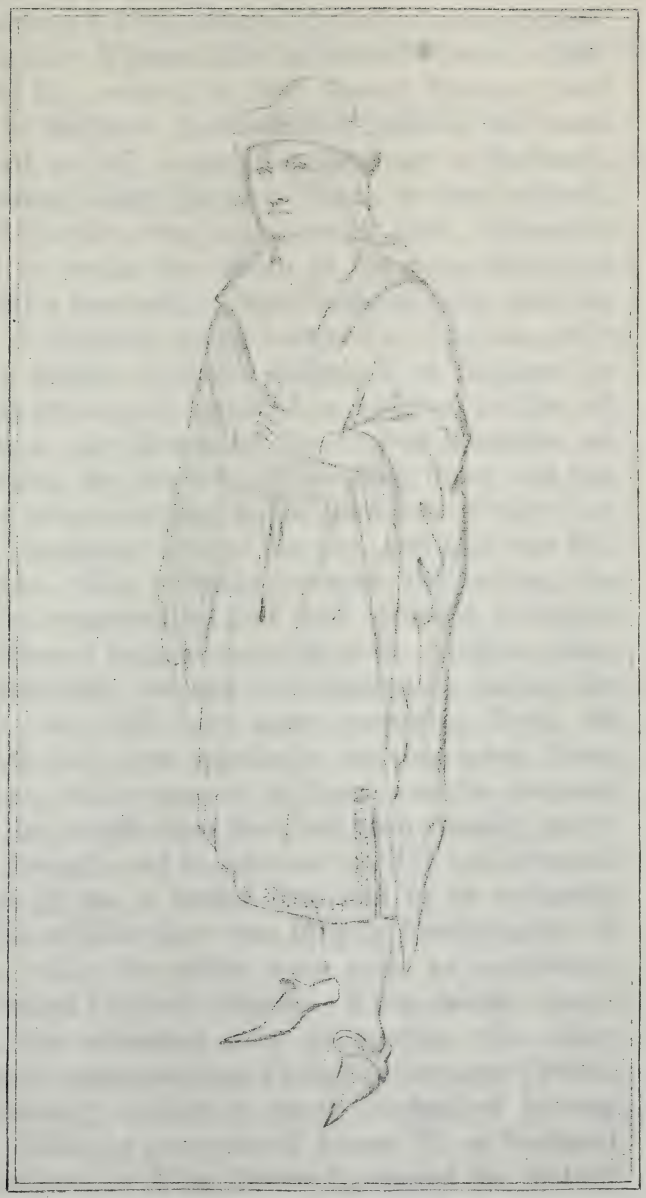
The story goes that at the time of this battle, before leaving Linlithgow, he had been warned against the war by an apparition. A version of this tale given by Pittscottie was the basis of Scott's "Marmion." Therein is related how a bald-headed

old man in blue with brotikins on his feet and belted with a linen girdle suddenly appeared at the king's desk where he prayed and prophesied the defeat and death that soon followed. James married, in 1503, Margaret Tudor, eldest daughter of King Henry VII. of England. Out of this alliance grew the right of the Stewarts to the throne of England, which was successfully asserted three generations later when King James VI. of Scotland, great-grandson of King James IV., became King James I. of England.

James Stewart, only son of James and Margaret (Tudor) Stewart, was born April 15, 1512. He was crowned at Scone in 1513 as King James V. Throughout his reign he was the victim of the evils of a regency and the ambitions of the nobles, and was no more able to contend successfully against them than had been the kings of his household who had preceded him. The marriage of the queen mother to Archibald Douglas, lord Angus, alienated the son from his maternal parent, and before he was eighteen years of age he plunged into the midst of affairs and made war the pursuit of his life. He had varying success against the Douglas party, but was always in the midst of conspiracies, mostly to his disadvantage, and he had also continually to contend against border raids with which the English vexed the country throughout his reign. His army was overthrown by the English at Solway, November 25, 1542, in more disastrous defeat even than that of Flodden, and the king died in Falkland, December 16 following.

James married, first, in 1537, Madelene, daughter of Francis I., king of France. His queen was an exceedingly attractive young woman, and it is said of her that "her fragile beauty won all hearts in Scotland." When she died in July, 1537, only a few months after her marriage, there was general and sincere mourning for her. James married, second, in 1538, Mary of Guise, daughter of Claude de Lorraine, duke of Guise, and widow of the duke de Longueville.

Mary Stewart, daughter of James Stewart by his wife Mary of Guise, was born December 8, 1542, and was a mere infant when the death of her father made her the queen. Her history as Mary, queen of Scots, has become a household word in English speaking lands, and need not be dwelt upon here. By the



KING ROBERT III.

order of Queen Elizabeth of England she was beheaded at Fotheringay Castle, February 8, 1586, after a life full of unhappiness. She married, first, in 1558, Francis, the dauphin of France, afterwards King Francis II.; second, in 1566, Henry Stewart, lord Darnley, eldest son of Matthew, fourth earl of Lennox, heir-male of the Stewarts; third, in 1567, James Hepburn, earl of Bothwell.

James Stewart, son of Mary, Queen of Scots, by her husband, Henry Stewart, lord Darnley, was born June 19, 1566. When his mother was forced to resign the crown at the time when the young prince was but a year old, he was declared king with the title of James VI. of Scotland, being crowned at Stirling, July 29, 1567. Upon the demise of Queen Elizabeth of England in 1603 he received the sceptre of England in addition to that of Scotland, ascending to the throne of the United Kingdom as King James I. During the minority of the king there was the usual regency of the nobles marked by the inevitable rivalry for power between the prominent men of the day, and this was followed by a civil war. The struggle between the nobles, the aristocracy, and the commonalty that had wracked Scotland during the entire Stewart regime assumed more virulence than ever before and practically reached its culmination during his reign. The nobles were still bent upon exercising their old feudal powers which had been gradually passing away from them for generations, while opposed to them was the popular party composed of the middle class that had been steadily growing in numbers, in strength and in influence until it had attained to a position where it was a factor that had to be seriously reckoned with. This middle class was largely Presbyterian in religious affiliation, while the nobles were quite as completely adherents of the Roman Catholic Church. King James, favoring Protestantism, was alienated from his mother who disinherited him, and the struggle between Protestantism and Catholicism became particularly violent as every student of history will readily recall. With the accession of James VI. of Scotland to the throne of England as King James I., ceased the history of the Stewarts as the royal line of Scotland exclusively.

(*To be continued.*)

ORIGIN OF THE BOOK OF MORMON

BY BRIGHAM H. ROBERTS

IT was natural that the series of articles which Mr. Theodore Schroeder has contributed to this magazine upon various phases of Mormonism should excite a considerable interest among readers everywhere, and especially among those who are believers in the religious principles which Mr. Schroeder has unspairingly criticised. The result has been to call forth a defence of Mormonism and many criticisms of Mr. Schroeder and the attitude which he has assumed towards the Mormon Church. These criticisms have come from several sources and in particular they seem to have moved official Mormondom to desire to present the subject from the point of view of that Church.

A series of several controversial articles treating this subject has been written for the AMERICAN HISTORICAL MAGAZINE, and the publication of them will begin in the September number. This series is from the pen of Mr. Brigham H. Roberts, of Salt Lake City, who is a member of the First Council of Seventies of the Mormon Church. Mr. Roberts takes up Mr. Schroeder's presentation of the subject in careful detail and attacks him from every point of criticism and argument. The papers of Mr. Roberts derive special interest and importance form the fact that they are the work of a leading member of the church, and are, therefore, in substance, official in character. They will be accepted, as they are undoubtedly intended, as the answer to the Mormon Church to the present day criticism of those who antagonize it. In that respect they constitute an exceedingly valuable contribution to contemporaneous historical literature and should attract widespread attention, both among those who are opponents of the Mormon Church, and those who are its supporters.

MORMONISM AND INTOXICANTS

BY THEODORE SCHROEDER

II

BY February, 1852, the sale of intoxicants had become so important a factor in the social life of this exclusively Mormon community, as, in the opinion of the legislature, to make it necessary for public protection to create the office of territorial inspector of spirituous liquors, and to provide a penalty of $500 for the sale of uninspected intoxicant.[35] Later, in the same legislative session, this was supplemented by another act, prescribing a maximum penalty of $500 and one year's imprisonment for the fraudulent adulteration of "any wine, spirituous or malt liquors, or other liquors" with the intention of selling the same. Herewith, also, came the first restriction upon the drunkard, by a law which prescribed the maximum sum of ten dollars, as a penalty for becoming "publicly intoxicated, so as to endanger the peace and quiet of the community."[36] The existence of the saloon, at this early date, is not wholly a matter of inference from this legislation, as will hereafter be shown, and as appears from Bancroft's "History of Utah," said to have been written by the Mormon church historian, Franklin D. Richard, which speaks of the existence of the saloon in 1854.

In January of 1869, the legislature passed an act authorizing county commississioners to license liquor manufacturing and sale outside of cities, upon any terms they saw fit.[37] In the meantime, a gentile governor, had, by the help of Federal troops, been forced upon rebellious Utah, and therefore Brigham Young was no longer interested in maintaining the gubernatorial monopoly, granted by former legislative act. He could control county officers, easier than a gentile governor.

The charter of Salt Lake City, which was a model for nearly

all other Utah cities, authorized the municipal authorities "to tax, restrain, prohibit, and suppress tippling houses, dram shops, gaming houses, bawdy and other disorderly houses."[38] This extraordinary power to tax, within cities, bawdy and other disorderly houses, will hardly convince outsiders, of the superior moral sensativeness of the Mormon conscience. This part of the powers of city governments was repealed in 1868,[39] that being the time when the advance guard of gentiles was coming in, through the building of the Pacific Railroad.

In 1882, the legislature passed the first important license law, authorizing counties and cities to license the traffic at not less than $100 nor more than $1,200 per year. The licensee was required to give a bond, guaranteeing a compliance with the law, which prohibited Sunday liquor traffic, and the sale or gift of intoxicants to Indians, minors, idiots or employees, under twenty-one years of age, without consent of parent, guardian or employer. A married woman could sue on the bond, for "all damages sustained by herself and children, or either on account of such [prohibited] traffic." The law also provided, that no suit could be maintained for liquor bills, when sold in quantities less than five gallons.[40] This is really the first thing approximating legislative restrictions upon the liquor traffic in Utah and it is an interesting historical coincident, as showing the gentile increase, that this was preceded a few years, by the election of the first non-Mormon legislator in Utah. With some modification and additional restrictions, this license law is still in force. As it now exists, the law is not materially unlike the license laws of other states.[41]

Having studied the history of Mormon legislation on the liquor problem, we may profitably inquire into the practice under that legislation. The Salt Lake City records are not very complete, but enough can be gleaned from them, to determine whether or not the boast of superior temperance sentiment by Mormons is warranted.[42]

The city council, of Salt Lake City, was organized January 11, 1851. In June of the same year, an ordinance was passed, providing that all liquors, which should be brought there should be placed in the hands of "such physician or physicians, as may

be appointed by the city council," and Jeter Clinton, a good saint, was chosen to dispose of all liquor for medicinal purposes. On August 4, 1851, this ordinance, not having proven satisfactory, was repealed. In March, 1852, a more liberal ordinance was adopted. On September 15, 1852, so the city records disclose, the right to sell beer and ale was granted to Wm. Hennefer. It seems that at or before this time, a brewery had been established in Salt Lake City, because on December 10, 1852, Jeter Clinton, the city quarantine physician, reported that he had visited the brewery, and was shocked to find swearing, and "a species of game" being played there. The owner of the brewery was cited before the council and reprimanded, pleading in extenuation, that he received $4,000 per annum at his brewery, largely from immigrants, and that he spent this income, in the city, to the great advantage of its inhabitants.

On December 17, 1852, an ordinance, regulating the liquor traffic, was passed, but its context cannot be found, either in the original minutes of the council proceedings, or the published ordinances. A distillery was also established, prior to this time, since the council minutes show, that on December 24, 1852, P. W. Dobson asked permission to continue his distillery. On February, 1853, the city council prohibited the operation of distilleries after April 1. This seems to have incensed Brigham Young, because it was an infringement upon his prerogatives by virtue of the territorial statute hereinabove quoted, which gave him an exclusive right to license distilleries. Young presented his case to the council, which unanimously voted that they had infringed upon his vested rights, and repealed all ordinances for the sale and manufacture of intoxicants.

For some time, at nearly every session of the council, there were presented, petitions praying for distillery, or saloon license. To Elder Jeter Clinton, on July 1, 1853, for $50 per annum, a license was granted to sell liquors at his residence, and on the same day, nine other petitions for licenses, were presented. July 9, 1853, three more were added. These petitions for licenses were granted for fees of from $15 to $25 per annum. Jeter Clinton was at once a good saint, quarantine physician and member of the city council, as well as saloon keeper, yet,

on December 16, 1853, his license was revoked, according to the record, because "of the disordered conduct of the house." However, Jeter was influential in the "council of the lord," and on July 29, 1854, received another liquor license, good for one year. John Mellon, another good saint, on July 29, 1854, asked a renewal of his license. His application was opposed by the charge, that he was in the habit of selling beer to children. On August 12, the petition was granted, the brother having in the meantime, "made satisfaction to the council." On August 26, 1854, among the four petitioners whom that day received a liquor license, was Robert Campbell, for many years Mormon city recorder.

On July 20, 1855, the city council discussed an ordinance declaring distilleries, breweries, liquor and beer shops a nuisance. The discussion involved the repeal of the ordinance of 1854, and the circumstances of its passage were explained by councilman Richards in these words: "There was enough to disturb and annoy the peace of society last season, when grog shops and beer shops were everywhere open to the public." The ordinance of 1854 was not repealed, but discretionary power to regulate the sale of liquors was given to the mayor. In 1857, still long before the advent of the gentile, and when Brigham Young, together with his minions, were in absolute control of everything in Utah, the saloon was so conspicuous in Salt Lake City, that Brigham Young designated its principal thorough-fare as "Whiskey Street"[43] and an apostle admitted the existence of a few drunkards.[44]

On September 3, 1858, the Salt Lake House asked permission to run a bar, which permission was granted, in spite of the fact, that councilman Richards stated, that the house had been a scene of drunkenness and rioting. During the spring of this year, Albert Sidney Johnson and his army entered Utah, to suppress the Utah Rebellion.

The following year, (1859) Horace Greely visited Utah. During his short stay, he found almost everything farvorable to the Mormons, but records that during the previous year more than 10,000 barrels of whiskey alone, had been sold in one city. With his usual generosity towards the Mormons, Greely credits Fed-

eral troops, located at Camp Floyd, forty miles distant by wagon road, with having consumed half. He reports the price at eight dollars per gallon, and the total consumption in Salt Lake City, at two hundred and fifty thousand dollars, for whiskey alone.[45]

As before stated Young's monopoly of the power to license was repealed by the legislature in 1860, and soon after, a gentile governor was, by Federal troops, forced upon him; therefore we may not be much surprised to find the following report on the city books, for July 2nd, 1861:

"To the Honorable, the Mayor of Salt Lake City.

"Your Committee, to whom was referred the subject of the manufacture and sale of spirituous liquors, would report, that they visited several distilleries in and near the City, and would most respectfully recommend that the City Council purchase or rent the distillery erected by Brigham Young, near the mouth of Parley's Canon, and put the same in immediate operation, employing such person as shall be deemed necessary to manufacture a sufficient quantity to answer the public demand; controlling the sale of same, and that the profits accruing therefrom, be paid into the City Treasurer. (Signed.)

ALDERMAN CLINTON
ALDERMAN SHEETS
COUNCILMAN FELT."

The report was adopted and the Mayor instructed to execute its suggestions. On November 26, 1861, another special committee made a report to the mayor and council of Salt Lake City, on a city saloon and bar-keeper, which in part reads as follows:

"That the location occupied by N. H. Felt [a good saint] is suitable; that the liquor be sold at $2.50 per gallon, that while the liquor be sold exclusiely by your agents, that you connect therewith a commission business for the sale and exchange of all home manufactured articles."

Many old-timers, still remember the old city liquor store, near Second South and Main Streets, with the all-seeing eye and "Holiness to the Lord" over the lintels of the door. It was not infrequent, in those good old days, before the gentile

came in force, to see men and women come in from the country, buy "straight" alcohol and drink it with a little dilution.[46] Notwithstanding the city having engaged in the liquor business, the council, on August 11, 1865, granted Brigham Young a license to distill brandy from peaches. On the same date, Brigham Young and George Q. Cannon, addressed the city council upon the liquor question. Brigham Young, the "living oracle of God" said:

"This community needs vinegar and will require spirituous liquors for washing and for health, and it will be right and proper for the city to continue its sale, as it has done and make a profit."

For some years after, this Mormon city ran a distillery, a barroom and a billiard hall, and the city council was occasionally edified by discussions upon the relative merits of different brands of whiskey, offered for sale to the city. In spite of the competition of Brigham's peach brandy distillery and other dispensers, the city's whiskey earning, during ten years of almost village existence, was $190,000.[47] About this time, the council meetings were sometimes opened with prayer by the city saloon keeper. During the fifties and sixties, *The Deseret News,* being the official organ of the church, frequently contained advertisements of whiskey sellers, and news items of opening distilleries, admitting, at the same time, that some of the young people were fond of a spree.[48] These advertisements were not put in the church organ to reach the gentile consumers, since the latter were still too scarce. But this is not left to doubtful inference, since the language of the advertising matter clearly indicates what class the advertiser was seeking to reach. Here is a sample: "Conference folks will purchase their liquors and mild drinks from Sangio Wilson."[49]

But there is still better evidence that the saints and not outsiders were the principal consumers of this fire water. The accounts of the city liquor store, reveal strange things. It appears therefrom, that on election and holy days, the city seems in its corporate capacity, to have furnished intoxicants in aid of the jollification. According to the books, at least $685.35 was

thus expended. On July 4, 1871, there is a charge of $12.90 for bread and pie, and $152.10 for liquors.

High church dignitaries, seem to have been among the patrons of the city liquor store. In the account kept between it and Brigham Young, "the lion of the Lord" there are two hundred and thirty-five different charges for liquor between 1862 and 1872, aggregating $9,316.66, or an average of $846.97 per annum, or $2.30 per day, including Sunday, but of course Brigham had a large family to supply. While elder Feremorz Little, was mayor of Salt Lake City, (1876 to 1882) the church organ made a parade of the number of saloons that were kept by the gentiles. Upon this subject, Mr. Little, the Mormon mayor, took occasion one night, before a congregation of his people, to say, that if none but gentiles drank the liquor in all those saloons, judging by the amount of license which they paid, these gentiles would have to drink daily an average of some ten gallons apiece.[50]

How many distilleries existed in Utah, prior to 1862, cannot be ascertained, though we know there was no scarcity. The revenue collector's record shows, that between 1862, when the internal revenue system went into effect, and December, 1869, the advent of the railroad and the gentile, there were started in Utah, thirty-seven distilleries, all owned by Mormons and Brigham Young among them. No distillery has been operated in Utah, since 1870. Three of these distilleries, were operated by the cities of Salt Lake, Provo and St. George, respectively, all municipalities whose officers were exclusively Mormon. Not one distillery was owned by a gentile. Salt Lake City evaded the payment of its internal revenue on the liquors manufactured by it, until O. J. Hollister, internal revenue collector, prosecuted a claim against it, for $30,000, which was compromised August 14, 1877, by the payment of $12,051.75.[51] A few municipalities in Utah, have prohibited the sale of intoxicants. In all these, however, it was easily possible, in drug stores and groceries, to obtain all the intoxicants desired. It is believed that now, the very great preponderance of Mormon public sentiment, is against prohibition and in favor of license and regulation.

As late as 1900 when the boast was still being repeated, that in purely Mormon communities, no saloons exist, high churchmen profited by the traffic, and some of the lowly, still enjoyed a spree. In the purely Mormon settlement of southern Utah, "dixie wine," still enabled many a brother to enjoy a quiet drunk. Occasionally, at a country dance, held, it may be, in the meeting house or school house, which dance is almost certain to be opened and closed by prayer, a jug of whiskey, perhaps even from a little illicit still, played an important part in the jollification. Information comes, that during the year 1901, a single bishop manufactured 600 gallons of "dixie wine," and that an apostle is doing a thriving business, selling whiskey as a beverage, over a drug counter.

It has occurred that wayward young men, who were sent on a mission, to repair their faith in Mormonism, have celebrated their departure with a debauch. On one such occasion, in recent years, the son of a most prominent saint in a drunken carouse performed a mock baptism on his missionary partner, in which with the usual baptismal formula, he emptied a bottle of beer over the head of his companion.

The Brigham Young Trust Company, with its apostolic directors, a few years ago was, and still is drawing rent from several saloons. The Saltair Beach Company, controlled in 1902 by apostles, and a majority of its stock held by Lorenzo Snow, "Prophet of God" as trustee for the Church of Jesus Christ of Latter-day Saints, for several years prior to 1902, rented bar privileges at its lake pavilion, and permitted Sunday whiskey selling and gambling devices to flourish there. It has also transpired that very wild orgies were indulged in, such as would rival a bowery dance.[52]

The christian ministers of Salt Lake City, have endeavored to remonstrate with the "mouth-piece of God," upon the impropriety of allowing such unseemly conduct and lawbreaking, when he had it in his power to stop it. A ministerial committee endeavored to interview him, but without success, until about the close of the season. Through the Salt Lake City Herald, the prophet endeavored to justify his conduct, on no higher authority, than that others were also guilty.[53]

Zion's Co-operative Mercantile Institution, with its prophet president and apostolic directors, and in spite of the all-seeing eye and the words "Holiness to the Lord," which adorn the front of its store, for years, had a liquor license, in its drug department. This selling of intoxicants as a beverage, some years ago received in the tabernacle, a pulpit endorsement by Joseph F. Smith, who soon after became the head of the Mormon church.[54]

The foregoing recital of facts is made partly upon the authority of those Mormons who were church members, when they saw what they recorded, but mainly upon public or other record-evidence of publications, under the exclusive control of the stockholder in the Saltair Beach bathing resort, where for a Mormon leaders. These recitals, established as a fact, that the Mormon people are no more abstemious in relation to intoxicants, than are other people as a class. The evidence of it lies in their legislation, in relation to the liquor traffic; their practices under that legislation; the record of their distillery products, and whiskey consumption. Further evidence lies in the fact that every Mormon, to this day, sustains as the "living oracles of God," the prophets, seers and revelators, as persons "whose voice is the voice of God," such men as Joseph Smith, Brigham Young, John Taylor, Wilford Woodruff and Lorenzo Snow. The first of these prophets was a periodical drunkard and a saloon keeper. The second, owned and conducted two distilleries, vended their products, and when not in business, was a consumer from the city liquor store, alone, to the extent of $9.316.66, as shown by the city's books, during ten years, and a part of that time, he was besides running a peach-brandy distillery of his own. The third Mormon prophet, as one of the leading authorities of the church, actively sustained all these doings and the men who did the acts. The fourth and fifth, or last prophet, each, in turn, kept himself directly interested financially in the sale of intoxicants, by being the controlling handsome consideration, they granted bar privileges, under which drunkards, desecrated the Sabbath. Both, likewise, in turn acted as president of Zion's Co-operative Mercantile Institution, where fire water was dispensed under a sign with the all-

seeing eye and the words "Holiness to the Lord" much to the financial advantage of the prophets and the moral disadvantage of their sheep following. The experiment of municipal ownership of saloons seems to have been without definite moral purpose, or sociological value.

As a psychological study, this recital demonstrates how easy it is for man to be a very fanatical adherent to a religious organization, and yet not have his life in the least degree affected by those parts of the creed, which do not cater to, or which oppose the easy gratification of his physical appetites or lust for gold. It also illustrates, how a large mass of people, of average honesty, though less than the average degree of intellectual development, can, through unquestioning ignorance, be led to believe in the divine authority of a priesthood, whose higher degrees, had their pretentious origin in a temple debauch, where excessive indulgence in consecrated wine, with its attendant drunken delirium, made mystic and other degenerates, see visions, accompanied by extraordinary profanity, by cursings, by blessings and by beastliness.

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(35) "Laws of Utah," 1852, p. 160.
(36) "Laws of Utah," 1852, p. 89 and "Laws of Utah," 1855, Chap. 22, p. 169.
(37) "Compiled Laws" of 1866, Chap. 69, 95.
(38) Laws of 1855, Sec. 22, p. 68.
(39) "Laws of Utah," 1868, Chap. 28, p. 50.
(40) See "Laws of Utah," 1882.
(41) "Revised Statutes of Utah," 1898, Sec. 1242 to 1260.
(42) This boast is often made. See *The Arena,* June, 1899, also May, 1903, p. 452 and elsewhere.
(43) 7 *Deseret News,* p. 142.
(44) 7 *Deseret News,* p. 156.
(45) "An Overland Journey," p. 234.
(46) *Salt Lake Tribune,* May 20, 1899.
(47) *Salt Lake Tribune,* Feb. 12, 1882.
(48) For some references see *Kinsman,* June, 1889.
(49) Recopied from *Enoch's Advocate.*
(50) *Salt Lake Tribune,* May 20, 1889.
(51) Governor Murray in *North American Review,* April, 1882.
(52) *Salt Lake Tribune,* May 31, 1900.
(53) *Salt Lake Herald,* June, 1900.
(54) Official Report, 68th Annual Conference, p. 11.

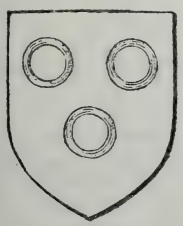
ORIGIN AND ANTIQUITY OF HERALDRY

IV

Conclusion of Celestral Figures.—Elements of Man's Body in Heraldry Defined.—Four Footed Beasts

BY HENRY WHITTEMORE

THE Crescent is the half moon with the points or horns upward toward the end of the shield. The ancient and honorable family of Seaton may be said to have assumed crescents for animal figures for the reason that their ancient territories and lands in East Lothian are formed by the river of Forth into three great bays like three half moons, from which land they have the surname of Seaton, among the most ancient of surnames. They had other lands in England; a Seaton in Northumberland now called Seaton Delaval, since it was possessed by the honorable family of the name of Deland, and Seaton Whitbystrand in Yorkshire. Dugdale in his "Baronage of England," says that Edmond Manly, who behaved himself so valiantly in the wars against Scotland obtained from King Edward I. the name Seaton of Whitbystrand, which was a part of the land of Christopher Seaton, who married the sister of Robert the Bruce, king of Scotland. In England many families have crescents for the principal armorial figures as Lee, earl of Litchfield for his paternal coat: argent a fesse between three crescents sable.



Annulet.

Crescent.

Fleur-de-lys.

The Increscent with its horns or points toward the right side of the shield, is called increscent from the Latin and by the French *croissant couche*. It is said to represent the moon in its first quarter and so the rising in time of some hopeful spark, illuminated and honored by the glorious aspect and beams of his sovereign.

The Decrescent when the half moon looks to the left side of the shield, is called by the French *croissant contourne*. A decrescent, says Gerard Leigh, is fit for a man that is advanced to honors in his old age when all other things decrease with him, being the moon in his third quarter. Kent, in his "Book of Blazon," gives the arms of a baron of Yorkshire thus: azure a mullet or, in chief, increscent and decrescent argent; for which we ordinarily say a star of five points or, and in chief two crescents adosse argent.

Crescent Reversed. This has its points or horns, downwards; such as heralds and historians tell us Aben Mahomet, the great Moorish prince, who overran Spain, carried on his banner: arms-vert, a crescent reversed argent, all within a bordure, whereon were words which signified: "God is good, and Mohamet is his great prophet." And afterwards, at the famous battle of Navis de Tolosa, when that prince was defeated, and his banner beaten down, many families in Spain, to show that their progenitors shared in that victory carried gules three crescents reversed argent, within a bordure with holy words and sentences. The positions then of the half moon are by way of crescent. The French say *croissant montant tourne renoverse,* and sometimes are situate in bend dexter and sinister.

STARS.

"These," says Nesbit, "are as frequent in armories as the crescents, and have been considered in their nature, influences, appearances and names in composing devices and arms: yet in the last, through a long descent to succeeding bearers the considerations upon their first assumption are almost totally forgotten for want of record, in place of which we find only some heraldic books stuffed with stones and symbolical representa-

tions of those figures as if the present bearers of those were endowed with divine qualities, and to shine on earth like those bright luminaries, where as in the most of them there is no such thing to be found, and their honor is only that their brighter predecessors have transmitted to them those as marks of their ancient nobility."

They are to be considered as principal figures, distinguishing families from one another, and not as marks of cadency and additional figures to difference younger sons of crescents and stars among themselves. The star has, in almost all ages been made use of as a mark of honor. Robert, king of France, instituted the royal order of the Star, being of gold, with five points in the field, azure, which the knights of the order wore on the left side as a badge of honor, and after the extinction of that order it became the badge of the night-watch in the city of Paris. John, king of France, took for his device a star with these words, *monstrant regibus astra viam*: alluding to the star which appeared to the three kings in the east at the birth of our Saviour.

The ancient family of Beaux, whom the Latins call Bausii, sometimes princes of Orange, carried for arms, gules, a star of sixteen points argent, to show that they were descended from one of the three kings or wise men who came to worship our Saviour. There was a branch of this family, great lords in the kingdom of Naples, as Jacob Imhoff, in his "Treatise on the Princes of the Empire," says, carried the aforesaid arms upon the same account.

The name bailee carries azure, nine stars, three, three, two and one argent. Sir George Mackenzie says "they carried anciently only but six stars as was on the seal which Sir John Bailee of Hoprig in East-Lothian, appended to that argument made at Berwick in the year 1292, with Edward I. of England to hear the claims of the competitors for the crown of Scotland. But afterwards, some of the heads of that family being in France, killing a wild boar added three stars, which in all make up nine to represent the constellation of *ursa major,* and to make this achievement more adequate, took for a crest a boar's head, with the motto, *quid clarius astres.* These figures in the

arms of the name of Bailie are known to be stars by the motto, yet the English call such figures mullets, even when accompanied with the moon, or surmounted with clouds.

Mullets having five points and unpierced are taken for stars and estoiles, especially when alone, and when they accompany other celestial figures; but mullets, when of six points, and pierced in the middle, and accompanying military figures are to be taken for speer-rowels. Camden, in his "Remains," says that some ascribe the first use of armor in this part of the world to the Picts and Bretons, who going naked to the wars, adorned their bodies with figures and blazons of diverse colors; and Moneypenny tells us that they artificially pounced or cut small holes in their skins, and poured in coloured liquors, over which the skin grew, and the colors of the liquor appeared through in the form of stars and other figures by which they distinguished in kindreds and clans.

Some heralds, especially the English, call stars of five straight points, mullets; but if of more points than five, and wavy, they blazon three stars of so many points. The family of Innes carries argent, three stars of six points, waived, azure, and in the dexter canton the badge of knight baronet; supporters, two greyhounds proper, collared, azure, and charged with three stars; crest, a boar's head couped, or, with the motto: Be traist. James Innes, of that ilk, was armor bearer to King James II.

The English, when stars are of six points or more blazon them stars of so many points, and when waved call them only estoile. When mullets, or estoiles, with the English are pierced like the rowel of a speer they blazon them mullets and estoiles pierced, and take them for stars, and not for spur rowels, as the French and other nations do who call them mullets. Doughty, in England, has argent two bars between three mullets, six points pierced sable.

OF MAN AND HIS PARTS IN ARMS.

The use of man and his parts in arms may be said among many other reasons for their practice to have proceeded from the old seals of princes and great men, and from the seals of

churchmen upon which they had their own images, these of their patron saints, and of angels and cherubims, as signs of authority, piety and devotion. From the old seals of princes, when ordinarily on one side they were represented enthroned, and on the other, on horseback, as a chevalier, came the practice of such into the arms of counties, cities and families.

The parts of men, such as the head, arms, legs, etc., are frequent in arms; as trophies of victory, signs of great expeditions, and as relative to the names of the bearers. These parts, whether of man or beast, when cut off from the body, are either couped or erased; couped, when those parts of the body are clearly cut off, as by a straight line, and erased when they are to be torn or plucked off, having pieces of the skin or flesh hanging at them as some say, like the teeth of a saw. Bust is said of a man or woman with a full face, neck and shoulders.

The Arm of a man is frequently carried as the emblem of strength. The Armstrongs, in the south of Scotland, as relative to their name had: argent, a dexter arm issuing from the sinister side of the shield, clothed, gules, holding a tree eradiant in pale, proper, broken at the top. Some of this name have the arm holding a sword. Francis Armstrong, son to John Armarmed, and couped at the shoulder, argent; crest, an arm issuing strong, of Parknow, had azure, a fesse or, between two arms out of a cloud holding a club proper.[1]

Hands are frequent in arms as signs of valour and symbols of faith and justice; when expanded and the palm seen they are said to be palme. Thus the McDonalds as a part of their armorial bearings have a dexter hand couped fesse-ways proper, holding a cross crosslet, *fitchee sable* upon this account. It is said that one of their progenitors assisted St. Patrick to propagate the Christian faith in Ireland, and to reduce the barbarous

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1. Tradition states that the original name of Armstrong was Fairbairn, and that it was changed to Armstrong on the following occasion: An ancient king of Scotland, having his horse killed under him in battle was immediately remounted by Fairbairn, his armour bearer, on his own horse. For this timely assistance the king amply rewarded him with lands on the borders, and to perpetuate the memory of so important a service, as well as the manner in which it was performed (for Fairbairn took the King by the thigh, and set him on the saddle,) his royal master gave him the appellation of Armstrong, and assigned him crest "an armed hand and arm, in the hand a leg and foot in armour, couped at the thigh, all proper."

people there to civility and Christianity. Their ensign was the hand holding a cross crosslet fitchee.

The left hand is taken to be a symbol of justice, because the right, say heralds and writers of devices, *est prompta ad omnia nequitia.* With the Romans the left hand is an ensign of empire, and has been continued since by the kings of France, who when enthroned, held in their right hand a sceptre of gold, and in their left a rod of of ivory topped with a left hand palme called the rod of justice, to show the integrity that sovereigns and judges should observe in administering justice; it is one of the regalias of the king of France, and was sometimes represented on the seals of Henry V. and VI. of England, when they thought themselves masters and kings of France. The arms of the province of Ulster in Ireland are argent a sinster hand couped gules palme. This has now become the badge of the knights baronets in England.

Two right hands grasping each other is called by the French *fois,* and is taken for the emblem of friendship, fidelity, and alliance; it is frequently met with on medals and ensigns. The Swiss cantons, when they united had, on a medal for that reason, two dexter hands joined with the words *"unio inseparables."*

The arms of man have been carried by noble families who were dignified with the title of Lords of Man. King James II. of Scotland created Alexander, his second son, Duke of Albany, Earl of March, Lord of Annandale, and Lord of the Isle of Man, upon which account he carried the arms of these dignities; quarterly, first, the arms of Scotland; second, gules a lion rampant argent, within a bordure of the last charged with eight roses of the first for the earldom of March; third, three legs of a man armed proper, conjoined in the centre, at the upper part of the thighs, flexed in triangle, garnished and spurred or, for the Isle of Man; and fourth, or, a saltire and chief gules, for the lordship of Annandale. These arms were on his seal, appended to charters and other grants by him, and are yet to be seen on the College Church of Edinburgh, to which he was a benefactor; they were also carried by his sons, his successors in their dignities.

The Heart. The other principal part of man, the heart, is

frequent in arms, upon the account of affection, event, religion, and as speaking to the name. The name of the Lockharts has a man's heart also, because of an act of one of their predecessors. After the death of King Robert the Bruce, in 1329, a distinguished member of the Locard family, Sir Simon Locard of Lee, accompanied Lord James Douglass to the Holy Land, with the heart of the deceased monarch for interment. From this circumstance the Douglasses bear in their arms a crowned heart; and the king's heart having been placed within a padlock, Sir Simon changed his name to Lockheart, making a rebus and the motto—*carda serata pando* (*I lay open locked hearts.*)

The surname Hart carries relations to the name, viz. gules on a chief argent, three hearts of the first. Robert Hart, a valiant man, say the historians, was killed with Lord Douglass fighting against the English in the battle of Ottenburn. The Harts of London carry gules on a chief indented or, three human hearts of the first.

The Jesuits carry on their arms a heart pierced with three passion nails. The religious of the order of St. Augustine have for arms: argent, the heart of that saint, proper, with flames of fire issuing out of it on a chief sable.

Four Footed Beasts. Their Application to and Representative Uses in Heraldry.

The Leopard. The ensign of Rollo, the first Duke of Normandy, A. D. 900, bore a leopard, the offspring of a lion, and a panther, or pard. That animal, reputed for rashness had been chosen as the emblem of the Northmen, or Normans, who gloried in their boldness in attacking their enemies. When the country of Maine, upon the Meyenne, was annexed to the dukedom of Normandy a second leopard was added to the first on the Norman standard, and then unfurled in Mans, the capital of Maine. William, the sixth Duke of Normandy, having conquered England in 1066, introduced the two leopards as the royal standard or flag of his kingdom.

Philip XI. king of France summoned Edward III. to come to Amiens to do him homage for the dukedom of Guyenne, an English possession held under the crown of France. The royal sum-

mons declared that "in case of the non-appearance of Edward to do the customary fealty, Guyenne would be forfeited by the feudal law." The King of England, being obliged to comply, went to France in great state, an event which the French historians describe: "Edward III., king of England, entered the cathedral of Amiens with a numerous retinue, and rendered homage to Philip, his lord paramount. The king of France had a blue robe, and the king of England wore a robe of crimson velvet, with three leopards embroidered in gold and silver."

At the accession of James I. in England the Norman leopards were considered derogatory to the royal authority, and annihilated as a badge of the English slavery under the Norman race. Therefore the three leopards or lions, *leopardes* were superseded by three golden lions, *passant guardant* on the new British shield.

The Lion. Because of his heroic qualities, the lion is used as the emblem of strength, courage, generosity, power and royalty, being known as the King of Beasts. His noble posture or position in arms is to be erect, on his hind feet towards the right and upper angle of the shield, the head direct forward, showing but one ear and one eye, in which position as the first, he is called by the French as Leon, and this emblem was first adopted in France by the family of Leon or Leonne which claimed descent from a Roman noble of the fourth century. This emblem was first adopted by the tribe of Judah—the Lion of the tribe of Judah—each of the tribes adopting a different emblem; that of Reuben, a waterpot; Simeon, the basis of a wall; Levi, the parapet of a wall; Zebulon, a ship; Issachar, an ass; Dan, a serpent; Gad, a suit of armour; Naphthali, a loaf of bread; Asher, a hind; Joseph, a bough or palm; Benjamin, a wolf.

Canute the Great, King of England (A. D. 1017) and Denmark, having conquered the Kingdom of Norway, hoisted the Norwegian lion. This was a golden lion, fighting erect, *rampant* with a battle axe. It was depicted on an azure shield strewed over with *red* hearts, and the three crowns of England, Denmark and Norway.

Henry II. had married Eleanor of Aquitaine or Guyenne, who brought in marriage to him the duchy of Guyenne, in France.

The arms of Bordeaux, the capital of Guyenne, having a golden lion, that charge of augmentation was marshalled with the two Norman Leopards on the escutcheon of England. Henry II. with his two Norman Leopards and the golden lion of Acquitaine has been painted on the windows of St. Julian's cathedral, in the city of Mans (capital of Maine), and that picture has been copied in many engravings still extant.

Richard I., in sailing for Syria, took the island of Cyprus or Chrype, but soon exchanged it for the nominal title of King of Jerusalem, and hoisted the banner of the lion of the Holy City. This as the sleeping or dormant lion of Judah—the badge of David and Solomon, kings of Jerusalem from the tribe of Judah. Thenceforth Richard assumed the surname of *coeur de lion* either for his lion or for his great achievement against the infidels.

The lion has been carried as the armorial ensign of Scotland since the first founding of the monarchy by King Fergus I. which is not only asserted by eight historians and antiquarians, but other nations as well. Favin is his "Theatre of Honor" book third, says: "Fergus I. of Scotland, for the magnanimity of his courage took for his arms and device, the creature counted the symbol of valiancy and generosity, viz. "*d'or un lion rampant de gueles,*" which the successors, the kings of Scotland have retained without change to the present time. Further evidence is given in the history of Florence of the antiquity of the lion, which states that the Scots ensign was carried by William, the brother of King Achaius at the head of 4,000 Scots in the wars of Charles the Great, of France, in Italy, where the people in honor of the Scots and their ensign adopted public games, in which a lion was crowned with many honors and ceremonies for the Scots' valor in their relief, as the custom was in those days. Arnoldus Uiron, an ancient writer, says of the ensign of Scotland, first; that it was a red lion on a gold field; and second, that the lion was surrounded with a double tressure flowered and counter-flowered with fleurs-de-lis after the union with France.

The lion has also been very anciently carried by the lords and counts of Flanders. The Franks, before they took their pere-

grination to France, carried a lion, and when settled they had the same.

The old earls of Dunbar carried a lion rampant. Cospatrick, Earl of Northumberland got from Malcolm Cammore the lands of Dunbar and several others in Lothian and the Merse. His son and successor was Cospatricus Canes who carried, gules, a lion rampant argent, within a bordure of the first, charged with roses of the second. In the reign of King David he granted a donation of the churches of Home Lamden, Greenlaw, the lands of Foye, and the lands called Botheallshulls to the Abbacy of Kelso. He is said to have died in 1166 and was succeeded by his son or grandson Walleous, or Waldeous, Earl of Dunbar, who confirmed the charters of his father and grandfather to the Abbacy of Kelso.

The lion, when his teeth, tongue, and claws are of a different tincture from his body is said to be armed and langued of such a tincture, but when he is represented without them he is said to be *morne,* and that he is said to have tongue and teeth but lacking in claws. The lion *salient* is almost the same as rampant, but when *salient* he is less erect as his position were bend ways. In this position he is said to prosecute his prey, leaping. The lion *passant* in arms, is said to be when his right foot is lifted a little up.

Guardant and Regardant. These attributes are given to the lion on account of the position of his head. If he is erect, showing a full face with his two eyes and ears he is called a lion *rampant guardant.* He is called *reguardant* when his head is turned back, looking over his shoulder and showing the other eye and ear. The lion is *passant* or *guardant* when he is represented

Rampant-regardant.

Passant-gardant.

Passant-regardant.

as showing a full face with two eyes and two ears, which position the English say denotes consideration. When a lion is represented sleeping in blazon it is termed *dormant* and when sitting is said to be *sejant*. This device is used for the crest of Scotland. As has already been stated this was the position of the lion of Judah—the badge of David and Solomon, Kings of Jerusalem from the tribe of Judah, and was adopted by Richard I., who assumed the surname of *coeur de lion* either for his lion or for his great achievements against the infidels.

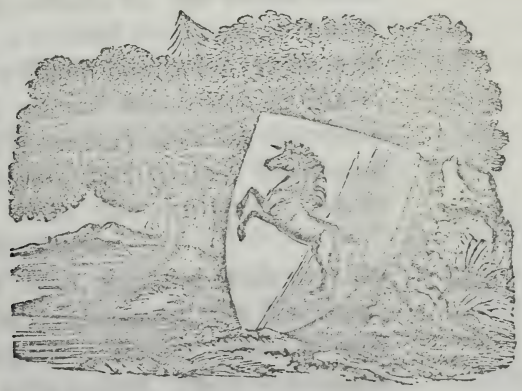
The armorial bearings of the Prince of Wales show: Arms—quarterly 1st and 4th, three lions, *passant guardant* in pale or; England: 2nd, or, a lion rampant within a double tressure, flory and counter-flory, gules. Crest—on the coronet of the Prince of Wales, a lion, *statant, guardant,* or crowned with the like coronet, and differenced with a label of three points argent. Supporters—dexter, a lion, *guardant,* or, crowned with the Prince of Wales coronet and differenced by a label of three points argent; sinister, an unicorn argent, gored with a coronet composed of fleurs-de-lis and crossed *patees alternately.* Motto —*Ich Dein.*

The Unicorn. This animal is so named from an horn which grows out of its forehead; he is of great esteem for his virtue as well as for his strength. In his horn the naturalists place a powerful antidote against poison and tell us that the wild beasts seek to drink in the waters after the unicorn has stirred them with his horn. He is remarkable for his strength, but more for his great and haughty spirit, and would rather die than be brought to subjection. Thus in Job xxxix, 9.10. "Will the unicorn be willing to serve thee, or abide by thy crib? "Canst thou bind the unicorn with his band in the furrow? or wilt thou harrow the valleys after thee?"

Upon these considerations, and others, the unicorn is frequently represented in devices and armories as a supporter of the sovereign ensign to show the unconquered and independent sovereignty; and as being part of the achievement of Scotland, he has been granted by the English kings to some of their well-deserving subjects as an additional honor to their armorial bearings; and by others assumed on account of its noble quali-

ties. The positions of the unicorn in arms are much the same as those of the lion; as erect, *passant* and *sejant*. When the unicorn is erect he is said to be *sejant*. The unicorn *sejant* is so placed on the tops of several marked crosses in Scotland as of that of Edinburgh, holding the banner of the kingdom.

Unicorn's heads, couped or erased are frequent in armories. This was assumed by the ancient family of Preston from the barony of Preston in the shire of Edinburgh, in the reign of King Robert the Bruce. Edward Preston is a witness in a charter of King Robert I. confirming a deed of Robert Blackburn to John Renton, of Billie. Historians give an account of Sir Lawrence Preston, who, with William Keith and Robert Gordon, defeated the English under the command of General Talbot and took him prisoner. Preston of Fermartin had for arms, argent, three unicorns' head erased sable, which family ended in an heiress married to one of the progenitors of Firbes, of Tolquhon, who now quarter those arms with their own, as other families who have matched with heiresses of that name of old; as Stewart of Galsington and Stewart of Dalsumton accompany their *fesse cheque* with three unicorns' heads erased sable. Several families of England carry unicorn heads erased. The unicorn forms one of the supporters in the arms of Great Britain and Ireland and those of the Prince of Wales, Duke of Edinburgh, Duke of Connaught, Cumberland, Cambridge and others.



THE WHITE HORSE OF ODIN

The Horse. For his commendable and useful qualities, long before the use of armors the horse was with the Romans, a sign of honor proper to those of the equestrian order and from it came the tilte of honor chevalier. The horse being an emblem of the sun, surnamed the vigorous courser, was represented with wings. This fabulous white winged horse was supposed to have sprung from the blood of Medusa, one of the three Gorgons. Perseus, the son of Jupiter by Dannae, was reputed to have killed Medusa in the garden of the Hesperides, in Libya (Africa), and to have flown thence into Asia through the air mounted on a flying horse. This fable arose from the figure of a horse on the prow of the swift sailing ship with white sails, named Hippocriff, or the winged horse, in which Perseus made a voyage to Africa.

A white horse was the standard of Cecropia, a city of Greece, founded by Cecrops, the chief of the Egyptian colony. This badge recalled that the finest white horse had been brought by sea from Egypt into Greece. The city was enlarged by the Greeks, who dedicated it to Minerva, surnamed Athena. Hence the city derived the name of Athens, capital of Attiqua. The manufactures and commerce of Cecropia made Athens the emporium of Greece, but under the Athenians, who were an imaginative people, the useful arts degenerated into useless productions called the fine arts; and the useful writers declined into awakened dreamers or poets who invented mythology—or history turned into fable. Hence the tradition of the white horse arriving by sea, was arranged into a sacred pedigree of which the following is the substance: "Nepthune created a white war horse to endow Athens. This swift animal was given to Mars, the god of War, for the defence of the country and the standard of Attica." The city of Agos likewise had deified the horse Arion. The Thessalians adored thus the immortal horse Xanthus, who spoke to his master Achilles.

A warlike people in the North of Asia, fighting with scythes derived hence the name of Scythians. (Cossacks in a Northern dialect.) They took arms and conquered Persia, whence they placed on the throne a king of their own nation. Their standards and coins exhibited a sagittary, an emblem of the great skill

of the Parthians as archers and horsemen. They were so intrepid in shooting their arrows, when retreating, that their flight procured them great victories. It was in a like manner that the coins of Thessalia bore a centaur as a symbol of the ability of the Thessalians in horsemanship. Many naturalists of antiquity have mentioned the centaur as an animal half man and half a taurus or bull, which race has become extinct.

The Roman empire being invaded by the barbarians, the emperor, Valentinian III., recalled the legions from the south of Britain. The Britains obtained the favor that the Roman garrisons of the north should remain a few years longer, in order to rebuild the wall of Septimus Severus, or the northern wall in Northumbria, which had been partly destroyed by the Picts or Scots. Meanwhile the Saxons making incursions upon the southern coasts, the forlorn Britons armed themselves in their own defence. They hoisted the terrific *labarum,* or standard of Trajan, bearing the chevalier vanquishing the dragon, but they consecrated it to Albion, the first patronal god of the Isle. Thence Albion was depicted as a chevalier on a white horse, trampling on the dragon: and many cities of Britain adopted that badge as an emblem of their fortified gates.

The horse has been anciently borne in arms as by Hengist, the founder of the Saxon race, who had a horse erect, which his name signified. His successors continued the same in the Saxon language, when it was called *Phalon.* When a horse's neck, shoulders and fore feet are seen, he is blazoned a demi-horse. The term sagittary is a figure half man and half horse drawing a bow to let fly an arrow, and this, some say, King Stephen of England covered with gold in a red field for his arms. Others say that he assumed the sagittary only for his device because his entry to the throne was when the sun was thin in the celestial sagittarus.

The Boar. This animal, say the naturalists and heralds is a champion among other wild beasts, and encounters his enemy with a noble courage, and, in order to battle, he is said to whet and sharpen his tusks. Gullim says "he betokeneth a man of bold spirit, skilful and politic in warlike feats." Richard III. having a blue boar in his coat of arms when he was Duke of

Gloucester, introduced it as a supporter of the royal shield, but changed it into a white one. This boar, argent or white, which had the bristles and hoofs gold, was placed on the sinister or left side, opposite to the lion guardant. The boar of Richard has often been indifferently represented white or blue in his arms. So unpopular was Richard on account of the murder of his two nephews that a satire directed against the King and his three ministers, stated that:

> "The rat, the cat, and lovil, our dog,
> Rule all England, under a hog."

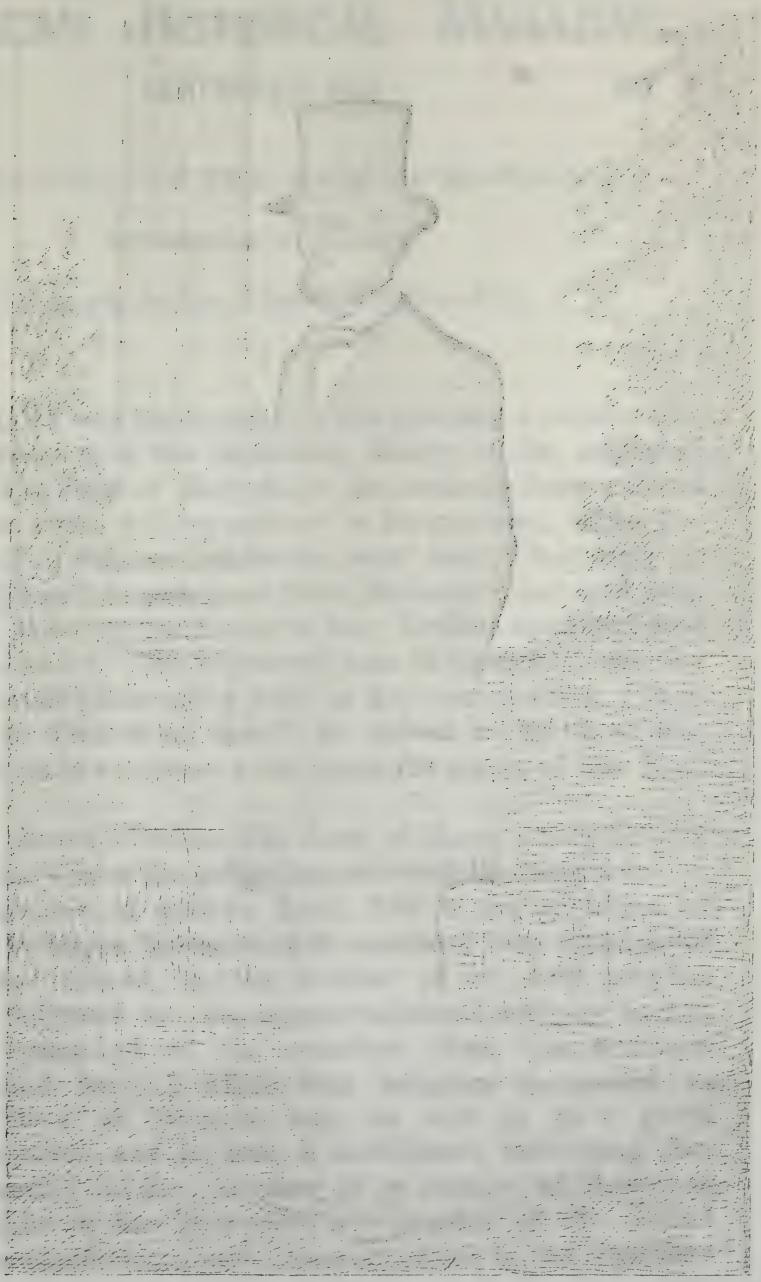
The boar's head with all nations has been very much used as an armorial figure, especially in Scotland, by many ancient families of different surnames in different shires throughout the kingdom. The surnames of the ancient families of Gordon, Nesbit, Swinton, Redpath and Danse, so named by their baronies which lie contiguous in the shire of Berwick from which their different surnames were taken, all carried their boars' heads of different tincture, by which it seems that the tradition is probable that they were originally of one stock and afterwards became the heads of families of different surnames. Their antiquity appears in the charters of the ancient English kings.

Boars' heads with their necks are now represented fesse-ways, but in old paintings and carvings they were given with their necks couped or erased, as those in the old bearing of Gordon of Earlston. Sometimes they are placed pale-ways, that is erect as the bearing of the earl of Warrington in England who carries Arms, three boars' heads erased and erected, sable.

The Dog. There are two kinds—household and hunting dogs. The town of Dam, in Flanders, has a dog in its arms as relative to its old name Hondes Dam, a dog's sluice. The dog is often used in devices as the emblem of vigilance and fidelity for which they are also carried in arms, but the dogs of chase are more frequent than the former, and are looked upon as more honorable in showing their owner to be noble and to have a right to hunting. Their positions in armories are either *passant* or *courant*, or *salient*, and for the most part they have collars about their necks which are called collared. Hunter, of Ballagan, car-

ries arms, argent, three hunting horns vert, stringed gules. Alexander Udney, representative of an ancient family in the shire of Aberdeen carried—arms, gules, two greyhounds counter, salient, argent, the dexter surmounted of the sinster saltierways collared of the field, and in the chief point a stag's head couped, attired with ten tynes, all betwixt three fleurs-de-lis proper, wreathed about the head and middle with laurel, vert, holding in their hands clubs proper.

(*To be continued.*)



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THE ORIGIN OF THE BOOK OF MORMON

BY BRIGHAM H. ROBERTS

(A Reply to Mr. Theodore Schroeder)

I

WHEN one undertakes at this late day a serious discussion of the Spaulding theory of the origin of The Book of Mormon, he instinctively feels inclined to begin with an apology to his readers. When Pococke inquired of Grotius, where the proof was of that story of the pigeon, trained to pick peas from Mohomet's ear, and pass for an angel dictating the Koran to him; Grotius answered that there was no proof. The statement here is Carlyle's; and the gruff old Scotch philosopher adds in his sour fashion, "It is really time to dismiss all that."[1] So indeed we think of this Spaulding myth in reference to its being the origin of The Book of Mormon.

When the church of which The Book of Mormon may be said in a way to have been the origin has survived the most cruel religious persecution of modern times, first in the expulsion of from twelve to fifteen thousand of its members from the state of Missouri; and second, in the murder of its first prophet in Illinois, followed by the expartriation of between twenty and thirty thousand of its members from the territory of the United States; when that religious movement to which the Book of Mormon may be said to have given the first impulse, and is now a continuous sustaining factor, has resulted in the founding of a number of American commonwealths in the inter-mountain country of the United States, some of which are now sovereign states in the American

1. "Heroes and Heroe Worship," by Thomas Carlyle, lecture II.

Union;[2] when that people who accept the Book of Mormon as a divine revelation have established, for an extent of well nigh three thousand miles through the plateau valleys of the Rocky Mountains—from the province of Alberta, Canada, to the states of Chihuahua and Sonora in the republic of Mexico—no less than between six and seven hundred settlements, many of them prosperous towns of large manufacturing as well as of large agriculture and trade interests; when that same people have won world-wide renown as superior colonizers, and are eagerly sought for in such enterprises because of their well known sobriety, honesty, frugality and industry; when that same people are quietly building up an educational system including as it does the founding of universities in its principal centers, and academies elsewhere as feeders to the central educational institutions;[3] when those who accept the Book of Mormon as a divine revelation continuously sustain a corps of missionaries, numbering from twelve to eighteen hundred, to carry their message to the world, and these missionaries are at work in nearly all civilized nations and in the islands of the Pacific, meeting their own expenses and manifesting the unselfishness of their faith by their works—their service for God and fellowman; when the Book of Mormon itself has been accepted in the first three-quarters of a century of its existence by hundreds of thousands of earnest people of average intelligence and certainly of independent character; when the Book of Mormon itself has been translated into and published in at least eleven languages, in a number of which it has run through many editions and the copies published run into hundreds of thousands, and with no abatement of interest yet manifested; when the Book of Mormon is creating not only a people but also a literature, embracing history, poetry and philosophy; when it is inspiring music, painting and sculpture—when all this has come of the Book of

2. It must not be supposed that the migration of the Mormon people to the Salt Lake and adjacent valleys when that region was Mexican territory, resulted only in the founding of the state of Utah. Indirectly and directly, too, that movement contributed to the settlement of the entire inter-mountain region, and the founding of the states created out of that territory.

3. This refers to the Brigham Young University at Provo, Utah, the Latter-day Saints' University in Salt Lake City, and fifteen Colleges and Academies in other parts of the territory occupied by the Saints in the inter-mountain West. See "Defense of the Faith and the Saints," p. 226.

Mormon, is it not really about time to dismiss all that silly talk of the Spaulding manuscript being stolen by Rigdon, revamped by him and palmed off upon the world by a back-wood's boy as a revelation, and this practiced fraud and deception being the origin of all this that is here enumerated?

What faith men must have in fraud and dishonesty to think it can start and sustain all this! What a lasting victory is accorded to a thing conceived in fraud, brought forth in iniquity, and perpetuated by continuous falsehood! What credulity is required to believe all this! Let no one hereafter, standing in such ranks, dare say that "cheat," is a horse good only for a short race. They must know better than that from the stand they take in this Book of Mormon matter.

JUSTIFICATIONS FOR REPLYING TO MR. SCHROEDER.

Two things, yea, three, justify a reply to Mr. Theodore Schroeder's series of articles on "The Origin of the Book of Mormon," published in the September and November numbers of the *American Historical Magazine*, for 1906, and the January and May numbers for 1907.

The first justification is the fact of the high standing of the magazine in which his articles appeared. Published in a periodical of such rank, if unchallenged, they might lead many to believe undeniable the theory there advanced for the origin of the Book of Mormon, and the argument by which said theory is sustained, unanswerable. It has been from just such circumstances as these with reference to articles that appeared in standard works, in histories and encyclopedias, that mormonism suffered so much defamation in the earlier years of its existence. It now stands recorded in the earlier editions of the American Cyclopedia and in the Encyclopedia Britannica that David Whitmer denied his testimony as one of the witnesses to the divinity of the Book of Mormon; and that his two associate witnesses, Oliver Cowdery and Martin Harris, had denied their testimony to that book. Being misinformed from these high sources of information, doubtless tens of thousands have been impressed with those untrue

statements. David Whitmer never denied his testimony. In a brochure issued by himself, in 1887, and referring directly to these false statements, he said:

"It is recorded in the American Cyclopaedia and the Encyclopaedia Britannica, that I, David Whitmer, have denied my testimony as one of the three witnesses to the divinity of the Book of Mormon; and that the other two witnesses, Oliver Cowdery and Martin Harris, denied their testimony to that Book. I will say once more to all mankind, that I have never at any time denied that testimony or any part thereof. I also testify to the world, that neither Oliver Cowdery nor Martin Harris ever at any time denied their testimony. They both died re-affirming the truth of the divine authenticity of the Book of Mormon."[4]

People, however, can still quote the above named standard works to prove that these men denied their testimony and were false witnesses. It is to prevent as far as possible the creation of such conditions respecting Mr. Schroeder's articles in the American Historical Magazine that I think it important that they should be answered.

The second thing that justifies an answer to Mr. Schroeder, is the form in which his treatment of the subject is cast. Much in the form would lead one to believe, at first glance, that here we had a really exhaustive treatise of the origin of the Book of Mormon; that every item of obtainable information had been collected, the mass of facts sifted and net results given, instead of a specious plea made for a special- theory. This is evidenced in the constant appeal to scources of information in the notes appended to the articles, of which notes there are one hundred and ninety-six. Then there is an occasional halting in the movement of the argument, as if to weigh the evidence, to balance one statement against another as if to get down to bed-rock facts, instead of a mere effort to remove some obstruction in the way of the special theory being worked out. All of which is but so much juggling with forms of treatment,—an effort to win the reader with the shows of honest

4. "Address to all Believers in Christ," p. 8. The high character and reputation for truthfulness of David Whitmer is attested in this brochure by all the leading officials and citizens of Richmond, Mo., (not mormons) where he lived for fifty years, pp. 8-10.

argument, to betray him in deeper consequences. Shimmering under all these forms may be seen the arts of the special pleader bent on making out a case. It is the false appearance of exhaustive and fair treatment of the subject that makes it deirable to answer Mr. Schroeder.

The third justification for answering Mr. Schroeder's articles arises out of a suggestion of the gentleman himself, near the close of his articles, namely, that the actors who participated in the origin of the Book of Mormon are all dead, and that "upon the precise question here discussed, no new evidence is likely to be discovered. All the evidence directly affecting either side of the question has been introduced and reviewed." One may pardon the conscious or unconscious self-complacency contained in this suggestion, and even encourage it by saying to the gentleman that we think he is right; that after him there will come no other who will so diligently search for evidence "on the precise question here discussed." For who but him will ever dare to venture to walk by such light as that by which his foot-steps have been guided?[5] But with reference to "all the evidence directly affecting either side of the question" having been "introduced and reviewed," I must hold a different opinion. Believing, however, that Mr. Schoeder has collected, presented and, with as much art as it will be found possible to enlist in such a cause, sustained his special view of the Spaulding theory of the origin of the Book of Mormon, one can but feel that having reached the climax of evidence and argument the case should be considered by those holding an opposite belief.

PRELIMINARY CONSIDERATIONS.

One other preliminary word should be said before coming directly to Mr. Schroeder's theory and argument, and that in relation to the authorities on which the gentleman relies for the support of his views. Of course I am not unacquainted with the old controversy concerning the degree of credibility to be allowed to interested witnesses, and also the suspicion that at-

5. Mr. Schroeder while living in Utah some years ago was proprietor, editor and publisher of *Lucifer's Lantern,* a ribald infidel periodical as would be inferred from the title as well as from its contents. It is this to which allusion is made in the text.

taches to witnesses for the miraculous. I have too long sustained in public debate an unpopular cause not to have heard the cry that the witnesses for the truth for which I contended were "interested witness;" notwithstanding those who were my opponents, at the same time accepted Christianity on the testimony of "interested witnesses," and discarded entirely the testimony of unfriendly witnesses, or "interested witnesses" on the opposite side of the case. I trust that the suggestion in this paragraph will indicate the unfairness of discrediting and discarding entirely the testimony of the witnesses for Joseph Smith's account of the origin of the Book of Mormon, on the ground that they are "interested witnesses," and taking for truth the statements of the "interested witnesses" on the other side of the controversy.

I have some acquaintance also with that school of thought which discredits witnesses of the miraculous. I am familiar with the laborious exposition of that theory by the late Professor Huxley in his article on "The Value of Witnesses to the Miraculous;"[6] and also with his controversy on the same subject with Dr. Henry Wace, prebindary of St. Paul's Cathedral, and other Church of England ministers.[7] One could scarcely live in this critical age of ours and be unaware of the existence of the school of thought which undertakes to bar from the court of public debate the testimony of those who are witnesses of things held to "transcend human experience." Such testimony, it is said, suggests "credulity on the one hand and fraud on the other."[8] And still, both in the history of the past and now, witnesses of the so called miraculous are factors to be reckoned with in our world's controversies.

It may be that the future will disclose the fact that very much which in the past has been regarded as miraculous, as transcending "all sane human experience," to use a phrase of Mr. Schroeder's, is only such because of human ignorance at the time of a witnessed event, and that miracles only exist for the

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6. *The Nineteenth Century Review,* March, 1889.

7. *The Nineteenth Century Review,* February, 1889; also March April, May and June.

8. "A supernatural relation cannot be accepted as such, that it always implies credulity or imposture," Renan's "Life of Jesus," introduction, p. 45.

ignorant. Still I concede that one needs to be upon his guard respecting this class of evidence, for man's love for the marvelous leads him into strange self-deceptions, as also the practice of deception upon others. But while conceding this on the one hand, on the other I desire to call attention to a matter entirely neglected by Mr. Schroeder, namely, the general untrust-worthiness of testimony in religious controversies where those considering themselves orthodox feel called upon to resist what are supposed to be religious innovations. The truth of this is supported by all ecclesiastical history. Even pious men, where the innovations especially contravene particular doctrines or theories of established institutions in which they are interested, often become utterly unreliable as witnesses in matters where their opponents are concerned.

So universally is the fact here pointed out accepted that citations of particular instances are scarcely necessary as proof. But lest others forget the fact, as Mr. Schroeder apparently has forgotten it, let me ask: Is Roman Catholic historical testimony regarded as reliable where facts relating to Protestants and the Protestant movement are concerned? Where does Martin Luther stand if the testimony of Catholic contemporaries or the representations of Catholic historians are to determine his place in history? A treatise upon the "Protestant Reformers" and the value of the sixteenth century reformation, based wholly upon "Bossuet's Variations," and other writers of his kind, would not be regarded as of any special value among intelligent people. And Catholics have fared but little better at the hands of Protestants. The testimony of either party against the other is quite generally regarded with suspicion by those who stand aloof from their controversies, while the respective parties to the discussions mutually denounce each other as false witnesses, until "Catholic lie" and "Protestant mis-representation" are cries and counter-cries that echo and re-echo through all the pages of Catholic and Protestant controversial and historical literature.

But let us look further up the historic stream of sectarian animosity. What of Jesus, the Son of God himself? If the sectarian Jews, his contemporaries, are alone to be the accepted witnesses of his words and actions and character, what would be

the effect of their testimony upon the historic Christ? It would make him base born, a wine bibber, an associate of harlots, publicans and sinners; it would make him an innovator of sacred customs, a desecrator of the temple, a seditious person, a blasphemer. And so well did the sectaries of his day succeed in making themselves believed that the populace of Jerusalem surged through the streets crying "crucify him, crucify him;" and he was condemned by the Sanhedrin to death, from which fate not even a friendly disposed Roman procurator could save him. The sectarian Jews sub-borned witnesses, who either swore falsely against the Christ, or wrongly interpreted his words and actions; and all this in a holy zeal for the preservation of the established order of things among the Jews. After his resurrection the same characters bribed the Roman guard set to watch the sepulcher, put a lie into their mouths, and pledged their influence as a guarantee against punishment from their superior officers for the neglect of duty involved in the falsehood they were bribed to tell.[9] What was Paul's experience with these same sectarian Jews after he became a proselyte to the Christian faith? Briefly told, the same in character as his master's.[10] So well known is the fact of sectarian bitterness; such the zeal of the orthodox for the established faith, that the Emperor Julian, usually called the "Apostate," who both understood and derided the theological disputes of the hostile Christian sects, invited to the palace the leaders of the hostile sects, that he might enjoy the agreeable spectacle of their furious encounters.

"The clamor of controversy sometimes provoked the emperor to exclaim, 'Hear me! The Franks have heard me,and the Alemanni;' but he soon discovered that he was now engaged with more obstinate and implacable enemies; and though he exerted the powers of oratory to persuade them to live in concord, or at least in peace, he was perfectly satisfied, before he dismissed them from his presence, that he had nothing to dread from the union of the Christians."[11]

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9. Matthew xxvi, 59-70; see also xxvi, xxviii.
10. See Acts of the Apostles from Chapters xiii to xxviii, inclusive.
11. "History of the Decline and Fall of the Roman Empire," by Edward Gibbon, chap. xxiii.

Such the bitterness of sectarian strife, in which the orthodox party has ever been as harsh, as untruthful, as unscrupulous, as resourceful at invention of evil things, as savage and cruel as the heretics have been. Nay, in the sum of such things the preponderance is on their side.

VARIOUS CLASSES OF WITNESSES

In the application of this melancholy fact to the controversy between Christendom and the Mormon Church respecting the origin of the Book of Mormon, let no one charge me with a begging of the question because I am going to insist that the witnesses quoted by Mr. Schroeder are largely unreliable, because of their zeal against an innovation of orthodox christianity. Not so. It is not my purpose to beg the question by use of the historic fact here brought to view. I only ask that it shall be given its proper value in weighing the evidence to be considered. And I lay stress upon it only because it is an element in the evidence adduced by Mr. Schroeder which is taken no account of at all by him.

He gives no weight at all, considers not at all, the evidence of those who have accepted Joseph Smith's account of the origin of the Book of Mormon, but he gives unbounded credence to every statement from the "interested witnesses" on the other side of the question, except, of course, where they are mutually destructive of each other, and then he seeks to explain away the inconsistencies and contradictions. A casual remark, a reported saying, or a confused recollection of some obscure person, of whose character we have no knowledge, nor any means of testing it, find their way into some one or other of the hundred anti-Mormon books published, and then are published by such anti-Mormon controversialists as Mr. Schroeder. Citations are made of them in marginal notes, and in time they come to be regarded, by the ordinary reader, as of equal authority with any other witness; and thus the unworthy, unreliable and, in some cases, a positively vicious and false witness is given equal—and sometimes even more than equal—credence with witnesses of unimpeachable probity, and high character, and who have back

of their testimony perhaps a life time of toil, suffering, sacrifice, and sometimes martyrdom.

Of this class of witnesses let me here add one further remark. I know that Arch-deacon Paley and his "View of the Evidences of Christianity" are scoffed at by a certain school of latter-day critics, as being somewhat out of date and insipid; but there is one statement he makes that I cannot help but believe has great force in it. He holds in his argument that because the early Christians in support of the Christian miracles of which they were eye witnesses, and which so called miracles could not be resolved into delusion or mistake, passed their lives in labors, dangers, and sufferings, voluntary undertaken, in attestation of the accounts which they delivered,—therefore, they are worthy of credence. To illustrate the point forcefully, he says:

"If the reformers in the time of Wickliffe, or of Luther; or those of England, in the time of Henry the Eighth, or of Queen Mary; or the founders of our religious sects since, such as were Mr. Whitfield and Mr. Wesley in our own times; had undergone the life of toil and exertion, of danger and sufferings, which we know that many of them did undergo, for a miraculous story; that is to say, if they had founded their public ministry upon the allegation of miracles wrought within their own knowledge, and upon narratives which could not be resolved into delusion or mistake; and if it had appeared, that their conduct really had its origin in these accounts, *I should have believed them.*"[12]

I mention this matter here for two reasons; first because many of those witnesses who accepted the Book of Mormon as true, are of the class of witnesses here spoken of by Dr. Paley. They were men who voluntary passed their lives in labors, dangers, and sufferings, voluntarily undertaken, in attestation of the accounts they delivered to the world of the Book of Mormon's origin; and second, because having conceded that men should cautiously receive the testimony to the so called miraculous, I desire to say that when the events to which the testimony relates are of such character that they may not be resolved into delusion or mistake, and the testimony is backed up by a life of toil, danger and suffering, not only voluntarily undertaken but

12. Paley's "Evidences," proposition II, chap. I.

persisted in—then, I say, their testimony is such that it commands respect and acceptance; and at the very lowest valuation possible to be put upon it, should out-rank in credibility whole hecatombs of such witnesses to the contrary as quoted by Mr. Schroeder—witnesses imbued, in many cases, with personal hatred of Joseph Smith and the Mormon system, and all influenced by sectarian zeal to uphold the orthodox view of such Christianity as existed at the time and place in which they lived.

But returning now to the point at which the foregoing digression began, let me say it is the promiscuous mingling and equalizing of witnesses; and the failure to take into account the unreliability of witnesses of the orthodox party when resisting and seeking to overthrow what they regard as an innovation upon their most cherished ideas and institutions, that I charge against Mr. Schroeder's treatment of the origin of the Book of Mormon. The witnesses must be weighed as well as counted in this controversy; and the liability recognized of the anti-Mormon witnesses, in the supposed interests of orthodoxy, resorting to the invention and promulgation of falsehood.

CONFLICTING THEORIES OF ORIGIN.

It must not be supposed by the reader of Mr. Schroeder's articles that his theory of the origin of the Book of Mormon is the only anti-Mormon theory of its origin advanced. Of course Mr. Schroeder does not claim that it is, but points out quite the contrary in his first article. Why the matter is referred to in these preliminary remarks, is because I want to assure my readers that we "mormons" get considerable amusement out of the conflicting theories advanced to account for the origin of our Book of Mormon. The necessity for a counter-theory for the origin of the book, other than that advanced by Joseph Smith, was early recognized. Christendom felt that Joseph Smith's story of the book's origin must be overthrown, else what would come of this new revelation, this new dispensation of God's word? Joseph Smith's account of the origin of the book was a direct challenge to the teachings of modern Christendom that revelation had ceased; that the awful voice of prophecy would

no more be heard; that the volume of scripture was completed and forever closed, and that the Bible was the only volume of scripture. Hence Christendom must find some other origin for this book than that given by Joseph Smith.

The first to respond to this immediately "felt want" of Christendom was Alexander Campbell, founder of the sect of the Disciples. He assigned the book's origin to Joseph Smith, point blank, and charged ignorance and conscious fraud upon its author.[13]

Next came the Spaulding Theory" of origin which Campbell accepted in place of his own, and of which more later. Then came Miss Dougal's theory of the prophet's self-delusion, "by the automatic freaks of a vigorous but undisciplined brain, and yielding to these, he became confirmed in the hysterical temperament which always adds to delusion self-deception, and to self-deception half conscious fraud."[14] Next came Mr. I. Woodbridge Riley's theory (1902) of pure hallucination honestly mistaken for inspired visions "with partly conscious and partly unconscious hypnotic powers over others."

Mr. Schroeder, however, will have none of these theories, but turns back to the theory of the Spaulding manuscript origin. To him "the conclusions" of Mr. Riley, because so many material considerations were overlooked by that author, are very unsatisfactory, though admittedly Mr. Riley's effort is the best "along this line."[15] On his part Mr. Riley, speaking of previous theories, especially including the Spaulding theory, says:

"In spite of a continuous stream of conjectural literature, it is as yet impossible to pick out any special document as an original source of the Book of Mormon. In particular the commonly accepted Spaulding theory is insoluble from external evidence and disproved by internal evidence. Joseph Smith's record of the Indians 'is a product indigenous to the New York wilder-

13. Campbell's critique on the Book of Mormon, appeared in the *Millennial Harbinger*, vol. II, 1831, under the title "Mormonites." The criticism is exhaustive and bitter. It is, in fact, a fine example of the bitterness of religious controversalists, in defense of orthodox views.

14. "The Mormon Prophet," by Lily Dougall. New York, Appleton & Co., 1899. My quotation is from the preface, p. vii.

15. See Mr. Schroeder's note, 2.

ness', and the authentic work of its author and proprietor. Outwardly, it reflects the local color of Palmyra and Manchester, inwardly, its complex of thought is a replica of Smith's muddled brain. This monument of misplaced energy was possible to the impressionable youth constituted and circumstanced as he was."[16]

Mr. Riley's phrase "conjectural literature" is good. It admirably describes the Spaulding theory literature at which it is particularly aimed. That theory being "insoluble from external evidence," is also good; but "disproved by internal evidence," is better. I shall not forget that either, later on. But if these variant theorizers can't convert each other, how can they hope to convert us Mormons? "When rogues fall out, honest men"—but there, the proverb is somewhat trite and I do not wish to be offensive. But let the merry disagreement of anti-Mormon theorizers go on! Meanwhile new translations of the Book of Mormon multiply, new editions are struck off, and more people are made acquainted with its contents; the Church to which it may be said to have given existence, enlarges her borders and strengthens her stakes. She is gaining a victory over her traducers, and winning her place in the world's history and in the world's religious thought.

MR. SCHROEDER'S STATEMENT OF HIS CASE.

These preliminary remarks ended, I proceed now with the consideration of Mr. Schroeder's evidence and argument. Mr. Schroeder states the "case" he proposes to prove, item by item, as follows:

"It will be shown that Solomon Spaulding was much interested in American antiquities, that he wrote a novel entitled the "Manuscript Found," in which he attempted to account for the existence of the American Indian by giving him an Israelitish origin;

16. "The Founder of Mormonism," 1902. This is a psychological study of Joseph Smith, the prophet. "The aim of this work is to examine Joseph Smith's character and achievements from the standpoint of recent psychology. Sectarians and phrenologists, spiritualists and mesmerists have variously interpreted his more or less abnormal performances—it remains for the psychologist to have a try at them." The quotation of the text is from the Preface. A review of Mr. Riley's book by the present writer is found in "Defense of the Faith and the Saints," pp. 41-55.

"That the first incomplete outline of this story, with many features peculiar to itself and the Book of Mormon, is now in the library of Oberlin college, and that while the story as rewritten was in the hands of a prospective publisher, it was stolen from the office under circumstances which caused Sidney Rigdon, of early Mormon fame, to be suspected as the thief;

"That later Rigdon, on two occasions, exhibited a similar manuscript which in one instance he declared had been written by Spaulding and left with a printer for publication.

"It will be shown further that Rigdon had opportunity to steal the manuscript and that he foreknew the forthcoming and the contents of the Book of Mormon;

"That through Parley P. Pratt, later one of the first Mormon apostles, a plain and certain connection is traced between Sidney Rigdon and Joseph Smith and that they were friends between 1827 and 1830.

"To all this will be added very conclusive evidence of the identity of the distinguished features of Spaulding's "Manuscript Found," and the Book of Mormon.

"These facts, coupled with Smith's admitted intellectual incapacity for producing the book unaided, will close the argument upon this branch of the question, and it is hoped will convince all not in the meshes of Mormonism that the Book of Mormon is a plagiarism."[17]

THE FACTS OF THE SPAULDING MANUSCRIPT.

The facts which may be conceded in Mr. Schroeder's recital of evidences, and the claims generally made in relation to Solomon Spaulding and his precious manuscript, are: that Spaulding was born 1761, in Connecticut; that he graduated from Portsmouth in 1785; that he graduated in theology in 1787, and became an obscure preacher; that he made his residence in New Salem, Ashtabula Co., Ohio, now called Conneaut, about 1808 or 1809; that in the region about Salem were certain mounds and ruins of forts and other fortifications, relics of a supposedly pre-historic civilization; that during Spaulding's residence at Conneaut he wrote a story in some way connected with the ancient inhabitants of America; that this story feigned to be a translation from a Latin manuscript which Spaulding pre-

17. I have taken the liberty of throwing the several propositions into separate paragraphs.

tended to have found in a cave in the vicinity of Conneaut, hence the title that came to attach to it, "Manuscript Found;" that about 1812 Spaulding moved to Pittsburg where he resided some two years; that while at Pittsburg there may have been something said about publishing this story, but just what is uncertain, and the story was never published; that in 1814 Spaulding removed to Amity, Washington county, Penn.; that in 1816 Spaulding died.

That after the death of Spaulding his wife and daughter at once removed to the home of Mrs. Spaulding's brother, a Mr. William Sabine, in Onondago Valley, Onondago Co., N. Y., taking with them the "Manuscript Found" with other Spaulding papers in an old trunk;[18] that Mrs. Spaulding next moved to the home of her parents in Pomfret, Conn., but leaving her daughter with the old trunk and its papers, including "Manuscript Found," at Sabine's;[19] that in 1820 Mrs. Spaulding married a Mr. Davidson of Hartwicks, a village near Cooperstown, N. Y., and sent for the things she had left at the home of her brother in Onondago; that said things were sent to her, including the old trunk and its papers which reached her at Hartwicks in safety;[20] that Mr. Spaulding's daughter, named Matilda, married Dr. A. McKinstry of Monson, Hampden Co., Mass., in 1828 and went to Monson, Mass., to reside; that soon afterwards Mrs. Davidson (formerly the wife of Spaulding) came to live with her daughter in Monson, leaving the old trunk and its papers in Hartwicks in care of Mr. Jerome Clark; that Mrs. Davidson continued to live with her daughter up to the time of her death, in 1844;[21]

That while these former Spauldings were living in Monson, in 1834, one Hurlburt came to them representing that he had been sent by a committee to procure the "Manuscript Found" written by Solomon Spaulding for the purpose of comparing it with the "Mormon bible;"[22] that he represented that he had

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18. Sworn statement of Mrs. Matilda McKinstry, the daughter of Solomon Spaulding. *Scribner's Magazine*, August, 1880.

19. Ibid.

20. Ibid. The language of Mrs. McKinstry is, "I remember that the old trunk with its contents reached her (Mrs. Davidson) in safety."

21. Ibid.

22. "History of the Church, vol. II, pp. 2, 3, 47, 49 and note. Also Mrs. McKinstry's affidavit.

been a convert to the Mormon faith but had given it up and through the Spaulding manuscript wished to expose its wickedness;[23] that he presented a letter from William H. Sabine, brother of the former Mrs. Spaulding, requesting her to loan the "Manuscript Found," written by her former husband, to Hurlburt, representing that he (Sabine) was desirous "to up-root this Mormon fraud;"[24] that Mrs. Davidson reluctantly consented to the solicitations of her brother and Hurlburt and gave the latter a note to Jerome Clark, instructing Mr. Clark to open the trunk and deliver the manuscript to Hurlburt; that Hurlburt went to Hartwicks, presented his order to Mr. Clark and got the Manuscript; that Hurlburt got but one manuscript;[25] that this Manuscript Hurlburt delivered to E. D. Howe, then having in course of preparation his anti-Mormon book "Mormonism Unveiled;"[26] that Howe kept said manuscript until after "Mormonism Unveiled" was published, then it passed out of sight and he supposed it to have been burned;[27] that really, however, it was unwittingly conveyed by Howe to one L. L. Rice who purchased Howe's *Painesville Telegraph* and business in 1834, or 1840; the transfer of the printing department being accompanied with a collection of books and manuscripts, Spaulding's "Manuscript Found" going over with the rest;[28]

That some years afterwards Mr. Rice closed up his business affairs in Painesville, Ohio, and made his home in Honolulu, taking with him his books, papers, etc.;[29] that in 1884 he was visited by James H. Fairchild, president of Oberlin College, Ohio; that President Fairchild, while at the residence of Rice suggested that a look through his (Mr. Rice's) papers might discover some anti-slavery documents of importance, (Mr. Rice while editor and proprietor of the *Painesville Telegraph* having

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23. Ibid.
24. Ibid.
25. "New Light on Mormonism," p. 260-Hurlburt's letter.
26. Statement of D. P. Hurlburt in a letter, dated at Gibsonburg, Ohio, August 19, 1870, "New Light on Mormonism," p. 260.
27. Statement of Hurlburt, "New Light on Mormonism," p. 260; also statement E. D. Howe, in a letter to Hurlburt, August 7, 1880, "New Light on Mormonism," p. 259.
28. See "The Manuscript Found," Rice's *verbatim et literatim* copy, printed by the *Deseret News*, 1886, preface.
29. Ibid.

been especially interested in the question of slavery); that in his search Mr. Rice found a package marked in pencil on the outside, "Manuscript Story-Conneaut Creek;" that on the manuscript was endorsed the following:

The Writings of Solomon Spaulding Proved by Aron Wright Oliver Smith John Miller and others

The testimonies of the above gentlemen are now in my possession

D. P. Hurlburt[30]

That this manuscript, unquestionably Spaulding's, and the one known as "Manuscript Found," was deposited by Mr. Rice with Oberlin College, Ohio, where it now is preserved; that Mr. L. L. Rice himself made a *verbatim et literatim* manuscript copy of this paper, including all erasures, alterations, errors, etc., and from this copy the Church of Jesus Christ of Later-day Saints published "Manuscript Found" in 1886;[31] that it makes a pamphlet of one hundred and twelve pages of printed matter, of about three hundred and fifty words to the page; that in nothing does it resemble the Book of Mormon—"there seems to be no name or incident common to the two," says President Fairchild, "the solemn style of the Book of Mormon, in imitation of the English Scriptures, does not appear in the Manuscript."[32]

The foregoing recital represents the facts concerning Spaulding's "Manuscript Found." The claim that the manuscript, as above traced, was but a first rough sketch of a story which Spaulding abandoned, and that he wrote a second story dealing with matters of more ancient date; that it was written in imita-

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30. For the above see *Bibliotheca Sacra*, published in Oberlin, Ohio, January Number, 1885. Also "The Manuscript Found." *Deseret News* Print, p. 113.

31. Preface, "The Manuscript Found," *Deseret News* print, Preface.

32. Letter of President Fairchild. *Bibliotheca Sacra*, January, 1885. Mr. Schroeder, by the way, seems much disturbed over the very frank statement of President Fairchild, published in 1885, to the effect that the theory of "the origin of the Book of Mormon in the traditional manuscript of Solomon Spaulding will probably have to be relinquished." * * * "Mr. Rice, myself, and others compared it with the Book of Mormon, and could detect no resemblance between the two in general or detail. Some other explanation of the origin of the Book of Mormon must be found, if an explanation is required." This is said, of course, of the manuscript now at Oberlin. It is said of the only manuscript of Solomon Spaulding's treating on ancient America, that any one knows anything about.

tion of scriptural style, and assigned an Israelitish origin for his colony that came from Jerusalem to America; that in this second story many names were used that are also found in the Book of Mormon, such as Lehi, Nephi, Laman, Zarahemla, etc.; that there is a close structural resemblance between the feigned historical incidents in Spaulding's second story and the Book of Mormon; that this second Spaulding story was deposited with printers at Pittsburg for publication; that while there Sidney Rigdon either stole it and never returned it (Mr. Schroeder's theory), or else that Rigdon borrowed it, copied it and returned the original to the printer; that there were several Spaulding manuscripts, and that Sidney Rigdon stole the one that was finally prepared for the press by Spaulding, and perhaps Joseph Smith stole one of the unfinished Spaulding manuscripts, (Mr. Clark Branden's theory);[33] that this manuscript, plus the religious matter of the Book of Mormon, added by Sidney Rigdon, became the foundation of the Book of Mormon; that Sidney Rigdon either directly or else indirectly through Parley P. Pratt acted as intermediary, and collaborated with Joseph Smith in the production of the Book of Mormon,—all this, upon which the conclusions of Mr. Schroeder and others who attempted to sustain the Spaulding theory of the origin of the Book of Mormon depends, is but a conglomerate of wicked invention by embittered sectaries fighting against innovation of their orthodoxy; of bitter, personal spite against Joseph Smith and his work; of mere assumption and inference bottomed on flimsiest premises, under which lies a mass of contradictions and conflicting suppositions which discredit the whole theory, and make any serious support of it, however learned in form and exhaustive in appearance it may be, absolutely contemptible; nay, the more learned and exhaustive the treatment appears to be, the more absolute must become the contempt.

THE TASK OF THE PRESENT WRITER.

To prove the things here alleged becomes now the task of the present writer.

33. "Braden-Kelly Debate," pp. 73, 77.

First then as to the matter of Spaulding having rewritten his story, "Manuscript Found;" in which, it is said, he changed the character of it by going further back with his dates, "and writing in the old scripture style, in order that it might appear more ancient." Also he must have further changed the character of his story, giving the colony he brought to America an Israelite instead of a Roman origin, giving his characters the names of Lehi, Nephi, Laman, Moroni, etc.; instead of Sambol, Hambock, Labanko, Moonrod, Ulipoon, etc.; and the names of the people from Sciotans and Kentucks, to Nephites and Lamanites! This second manuscript and these changes are necessary both to the evidence and the argument of Mr. Schroeder—necessary to his whole theory; without the existence of this second manuscript and these changes that differentiate it from the manuscript at Oberlin, his "case" collapses. It is conceded by Mr. Schroeder and all through whose hands it has passed, including Mr. Fairchild, president of the Oberlin College, Ohio, and Mr. Rice among whose papers the manuscript now at Oberlin was found, that this Oberlin manuscript, which beyond any doubt Spaulding wrote, could not have been the original manuscript of the Book of Mormon;[34] therefore a second Spaulding manuscript altogether different from this half ribald, silly "Manuscript Found" story must be had; and its mythical existence was brought about in the following manner:

THE ENEMIES OF THE PROPHET.

Living in Kirtland and vicinity, and throughout northeastern Ohio, where the headquarters of the church were established in 1831-7, there were many and very bitter enemies of the prophet Joseph Smith and Sidney Rigdon; and also strong antagonism towards the whole Mormon Church, since its doctrines were regarded as a menace to orthodox opinions. Among these enemies of the prophet and the church none perhaps were more

34. President Fairchild I have already quoted. Mr. Rice says: "I should as soon think the Book of Revelation was written by the author of Don Quixote, as that the writer of this manuscript (the Spaulding Oberlin manuscript) was the author of the Book of Mormon. From a letter of Mr. L. L. Rice to Mr. Joseph Smith, president of the Reorganized Church—"History Church of Jesus Christ," vol. IV, pp. 471-3.

bitter than "Dr." Philastus Hurlburt, E. D. Howe, Adamson Bentley, Onis Clapp (usually called Deacon Clapp) and his two sons, Thomas J. and Mathew S. Clapp, both of whom were Campbellite preachers; Alexander Campbell, Walter Scott, both prominent in founding the sect of the Disciples; Thomas Campbell, Dr. John Storrs, of Holliston, Mass., Dr. Austin, also of Massachusetts, all sectarian ministers, and many others. Less than fifty miles away from Kirtland, then the centre of mormon propaganda, was Conneaut, the former home of Solomon Spaulding, and on the direct line of travel between the branches of the church in Ohio and those in the state of New York and Canada.

It is said, but I shall develop a somewhat different account of the origin of the Spaulding theory near the close of these articles than is here set down, that "a woman preacher"[35] of the Mormon Church, holding a public meeting at Conneaut, read some passages from the Book of Mormon which the old settlers of the vicinity, and former neighbors of Solomon Spaulding, recognized as very nearly identical with a manuscript story he had read to them some twenty-two or three years before; and as he had feigned to derive this story from a certain manuscript which he pretended to have found in a stone box in a cave, which he afterwards translated into English, there was thought to be sufficient similarity between these circumstances and the Book of Mormon to warrant the charge that the latter was a plagiarism of Spaulding's manuscript. This conclusion led to the sending of "Dr. Philastus Hurlburt to the widow of Spaulding to obtain his manuscript and incidently to visit the former home of the Smiths' for the purpose of obtaining affidavits respecting their character, and more especially respecting the character of Joseph Smith the Prophet."[36] Indeed, the whole purpose of the conspirators was to overthrow mormonism—"to

35. See "Mrs. Davison's statement," first published in the *Boston Recorder*, May, 1839; also Smucker's "History of the Mormons," p. 41 *et seq.* It is claimed that "woman preacher," was merely a "typographical error," of which more in a later note, and should read "Mormon preacher."

36. These are the affidavits collected by Hurlburt and delivered to Howe for his book "Mormonism Unveiled," chapter xvii; see also "Origin of the Spaulding Story," by B. Winchester, (1840) p. 10.

up-root this Mormon fraud."[37] Hurlburt presented himself at the home of the former wife and daughter of Spaulding, who were then living in Monson, Mass. He obtained an order from the former Mrs. Spaulding upon those with whom she had left the trunk containing the papers of her late husband, directing them to deliver to Hurlburt the "Manuscript Found." Hurlburt obtained the manuscript and returned to those who sent him upon this mission, chief among whom was E. D. Howe of Painesville, Ohio, the editor of the *Painesville Telegraph*. To Mr. Howe, Hurlburt delivered the "Manuscript Found," obtained by him from the Spaulding papers; but lo! when it came to be examined by the conspiritors, it was a very disappointing document.[38] Howe himself describes it as follows:

"This is a romance, purporting to have been translated from the Latin, found in 24 rolls of parchment in a cave, on the banks of Conneaut Creek, but written in modern style, and giving a fabulous account of a ship's being driven upon the American coast, while proceeding from Rome to Britain, a short time previous to the Christian era, this country then being inhabited by indians."[39]

This description completely identifies this manuscript delivered by Hurlburt to Howe with the one afterwards found in the papers of Mr. L. L. Rice, and now at Oberlin College. "This old manuscript," says Mr. Howe, "has been shown to several of the foreign witnesses, who recognize it as Spaulding's." The witnesses here alluded to are the old neighbors of Spaulding who testify as to the existence of Spaulding's "Manuscript Found," and of its similarity to the Book of Mormon; and they are eight of Mr. Schroeder's twelve witnesses on whom he relies to prove the same allegement. Right here we reach the crucial point in the Spaulding theory of the origin of the Book of Mormon; and now let us present it in one view.

A number of people living at Conneaut on hearing the Book of Mormon read in a public meeting, and some of them after-

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37. Statement of Mrs. McKinstry, daughter of Solomon Spaulding, "Scribner's Magazine," August, 1880.
38. "New Light on Mormonism,"—statement of Hurlburt, pp. 245, 260.
39. Howe's "Mormonism Unveiled," p. 288.

wards reading it for themselves, claim a similarity to exist between it and a manuscript which Solomon Spaulding read to them some twenty-two or twenty-three years before. Spaulding's manuscript is unearthed—"Manuscript Found"—but it bears no resemblance to the Book of Mormon! There is "no resemblance between the two," to use the language of President Fairchild, of Oberlin College. "There seems to be no name or incident," he continues, "common to the two."[40] Now what will the conspirators do? Search further in the hope of finding another manuscript that may have been the origin of the Book of Mormon, if this one is not? It must be admitted that having gone so far in an effort "to up-root this Mormon fraud" it was worth their while to go still further. The "fraud" was making converts throughout the very region where the conspiritors lived; some of their loved ones, members of the family of the conspirators, were "victims" of the "delusion." They will not rest the case here, then. They will look further. The emissary just returned, Hurlburt, or some other will be sent back to make further inquiry and research. The fate of millions may depend upon it. But did the conspirators against mormonism take this course? No. Instead of that they resort to subterfuge. Listen: Howe, referring to the manuscript delivered to him by Hurlburt, writes:

"This old manuscript has been shown to several of the foregoing witnesses, who recognize it as Spaulding's, he having told them that he had altered his first plan of writing, by going farther back with dates, and writing in the old scripture style, in order that it might appear more ancient. They say that it bears no resemblance to the 'Manuscript Found.' "[41]

That statement bears all the earmarks of an "afterthought," a silly invention. There is not a single scrap of evidence in all that has been written upon the subject, that goes beyond the date of Hurlburt's delivery of "Manuscript Found," to E. D. Howe, to the effect that Spaulding had written more than one paper that purported to deal with a found manuscript, or the

40. Letter of President Fairchild, *Biblicotheca Sacra,* January, 1885.
41. Howe's "Mormonism Unveiled," p. 288.

ancient inhabitants of America. The "Frogs of Wyndham" and infidel disquisitions were more in his line.[42] Why was it that the neighbors of Spaulding about Conneaut did not say before this manuscript was brought to light by Howe, Hurlburt *et al*, that Spaulding had written several manuscripts on the subject of the ancient inhabitants of America; one that told of a Roman colony that came to America and settled in the Ohio valley, the story of their adventures being "written in modern style;" but that this story he abandoned and wrote another, going farther back with his dates and assigning to the people an Israelitish origin and writing in the old scripture style? How valuable such evidence, ante-dating Hurlburt's coming to Conneaut with Spaulding's manuscript, would be! But it does not exist.

There was enough in the fact that Solomon Spaulding had written a story connected in some way with a manuscript which he feigned to have found in a stone box in a cave; which he further feigned to have translated into English; and which story had something to do with a colony coming in ancient times from the Old World to the New; and that there were great and sanguinary wars in the story—to suggest a similarity with the Book of Mormon. With so much as a basis it will go hard with human invention, under the circumstances, if out of the dim recollections, of some twenty-two or twenty-three years ago, it cannot "remember" that there was a similarity and even identity of names between those of Spaulding's Manuscript and those of the Book of Mormon. Especially since the Book of Mormon is now in their hands, and they have either read it, or heard it read and have the names of Lehi, Nephi, Moroni, Zarahemla, and some phrases such as "and it came to pass," etc., with which to refresh their "memories!"

And when they have Spaulding's found manuscript, or "Manuscript Found" placed in their hands by Hurlburt, and have identified it as Spaulding's and none of these things are true respecting it, that is, there is "no resemblance between the two, in general or in detail; * * * * * no name or incident common to the two," then it will again go hard with human in-

42. See Mrs. McKinstry's statement, *Scribner's Magazine*, August, 1880. Also *Deseret News* print of "Manuscript Found," pp. 114, 115, where the infidel opinions of Mr. Spaulding are expressed.

vention if it cannot, under the circumstance, "remember" that this manuscript so thrust into their hands is merely but the rough draft of the real "Manuscript Found;" that this story, in fact was abandoned and Mr. Spaulding informed them that he had recast his whole scheme;[43] and that he wrote into this second story the names and historical incidents now found in the Book of Mormon; that no one ever believed that this first effort of Spaulding's the Manuscript now at Oberlin College, was the foundation of the Book of Mormon. Mr. Schroeder himself says that "from the beginning it was asserted that this manuscript, now at Oberlin, was not the one from which the Book of Mormon was alleged to have been plagiarized."[44] But from what "beginning" was it so asserted? Well, not previous to the bringing to light of the Oberlin manuscript by Hurlburt; but from the time that this manuscript,—the only one we have any real knowledge of Spaulding ever having written on the subject of the ancient inhabitants of America—disappointed the hopes of the conspirators against Mormonism. That is the only "beginning" from which it has been asserted that the manuscript now at Oberlin was not the one from which the Book of Mormon was alleged to have been plagiarized.

The foregoing boldly charges dishonesty, fraudulent invention, and conscious deception upon those who originated this Spaulding theory of the origin of the Book of Mormon; and I realize that it is incumbent upon me to set forth substantial reasons for such allegations, or else I must bear the odium of making false, or at the very least, unproved charges. Let us then consider, if not all, at least the leading characters of this conspiracy against the Mormon Church, for it will be worth our while.

"DR." PHILASTUS HURLBURT.

We start with "Dr." Philastus Hurlburt. He was not a "Doctor" by profession, but being a seventh son, his parents, following the old folk-lore custom, called him "Doctor." He

43. Howe's "Mormonism Unveiled," p. 288.
44. *American Historical Magazine*, vol. 1, No. 5, p. 385.

was formerly a member of the Methodist Church from which he was excluded for immoralities. He appeared in Kirtland in 1833 and began an investigation of Mormonism, and finally claimed to be satisfied of its truth. Joseph H. Johnson, residing at Kirtland at the time, and at whose mother's home Hurlburt boarded for about one year, describes him as "a man of fine physique, very pompus, good looking, very ambitious, with some energy, though of poor education."[45] Sometime after he joined the church he was brought before a conference of high-priests in Kirtland and charged with unchristian-like conduct with women, while on a mission to the eastern states. His commission as an elder was taken from him and he was excommunicated. Being dissatisfied with the result of this trial he appealed his case to the high council at Kirtland, and a hearing was granted him. He confessed his sin before this council and was forgiven; but a few days after this action, he boasted that he had deceived the council in his confession, "and Joseph Smith's God," and this led to his final excommunication.[46]

After his excommunication "Dr." Hurlburt became very bitter against the church, and threatened the prophet's life. He was finally arraigned before the court at Chardon, for this offense and placed under bonds to the amount of two hundred dollars "to keep the peace, and, be of good behavior to the citizens of the state of Ohio generally, and to Joseph Smith, Jun., in particular, for the period of six months." He was also required to pay the costs of the prosecution which amounted to one hundred and twelve dollars.[47] When it is remembered how great the excitement was at this time in north-eastern Ohio, respecting Mormonism, how numerous and how bitter were Joseph Smith's enemies, this decision of Judge M. Birchard is important in showing how violent and vicious must have been the character of "Dr." Hurlburt. Yet he becomes the special emissary of the conspirators of north-eastern Ohio, against Mormonism. He is commissioned to secure Spaulding's manu-

45. *Deseret Evening News*, December 28, 1880; also "History of the Church," vol. 1, p. 355, note. Also Gregg's "Prophet of Palmyra," pp. 427-430.
46. "History of the Church," vol. 1, pp. 354-5 and note.
47. "History of the Church," vol. II, pp. 47-49 and notes.

script and gather information in New York concerning the character of Joseph Smith,[48] the man whom he so bitterly hates, and whose life he had threatened. And the world is asked to form its opinion of Joseph Smith from the alleged information procured in New York by this man, and published in Howe's "Mormonism Unveiled," in the form of affidavits!

Even some who are parties to the Spaulding theory distrusted Hurlburt. Mrs. Davidson, formerly Spaulding's wife, "did not like his appearance, and mistrusted his motives," and it was only because he presented a letter from her brother, William H. Sabine, urging her to loan her former husband's manuscript story to Hurlburt, that she finally, but reluctlantly, consented for him to have the paper.[49] Mrs. Ellen Dickinson, grand-niece of Solomon Spaulding, and author of "New Light on Mormonism," charges him with having betrayed his fellow conspiritors in Ohio, by securing the "real" "Manuscript Found" and turning it over to the Mormons for a price, and that they destroyed it.[50] Clark Braden in his debate on the Book of Mormon with E. L. Kelly, makes the same charge, and says that Hurlburt got $400.00 for his treachery and boasted of it.[51]

Mr. E. D. Howe, author or the first anti-Mormon book of any very great pretentions or general interest—and of which Mr. Schroeder is so eulogistic, speaking of it as "the most important single collection of original evidence ever made upon the subject"—was the editor of the *Painesville Telegraph,* and especially bitter towards the Mormons and Mormonism, because his own wife and sister had joined the Mormon Church, at which he was greatly incensed.[52]

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48. "Origin of the Spaulding Story," by B. Winchester, Philadelphia, (1840) p. 10, "Mormonism Unveiled," chapter xvii. These affidavits gathered up by Hurlburt are quoted by nearly every anti-mormon writer since 1834, until now, the year of grace, 1908; all forgetful of the fact that no matter how many mirrors are brought into a room where a farthing rush light is burning, they do not increase the light burning there, but merely reflect it. It is safe to say that since Howe's publication of "Mormonism Unveiled," in 1834, little or nothing has been added to the stock of "information," from the anti-Mormon side of the controversy.

49. Mrs. McKinstry's statement, *Scribner's Magazine,* August 1880.

50. "New Light on Mormonism," pp. 62-71.

51. "Braden-Kelly Debate," p. 96. Braden relies upon the statement of Rev. John A. Clark, D. D., in "Gleanings by the Way," p. 265.

52. "Braden-Kelly Debate," pp. 69, 81. See also the Advertisement of Howe's "Mormonism Unveiled,"—which precedes the Introduction. Also the Introduction of the same work, for manifestation of bitterness.

REV. ADAMSON BENTLEY ET AL.

Adamson Bentley was a Campbellite preacher, also, a brother-in-law to Sidney Rigdon, having married Rigdon's wife's sister. It appears that the parents of Mrs. Rigdon had settled upon her, or expressed intention of doing so, some considerable property; but the Rev. Bentley, by his influence with the Brooke family, diverted the inheritance designed for Mrs. Rigdon to his own wife;[53] so that in addition to the bitterness which ever attends on sectarian controversies, there must be added in the case of Mr. Bentley the bitterness of family feud; and if the claim of Sidney Rigdon be true, *viz.*, that he was the injured party, in this controversy, there would be intensity of bitterness on the part of Bentley, since it is strangely true that men may forgive those who injure them, but they never forgive the innocence of those whom they wilfully injure. The Reverend Bentley was one of the bitterest of anti-Mormons and a warm supporter and advocate of the Spaulding theory of the origin of the Book of Mormon.[54] Of Mr. Alexander Campbell, Dr. Storrs and Dr. Austin we shall have occasion to speak later, when considering certain evidence Mr. Schroeder introduces from them. The point now contended for respecting these men who stand as sponsors for the Spaulding theory of the origin of the Book of Mormon, is simply this, that being ardent sectarian priests zealous for their particular brand of orthodoxy, which Mormonism opposed as false doctrine;[55] and adding to this cause of bitterness the further fact that in some instances these men felt the sense of personal grievance against Joseph Smith and the Mormon Church—renders them incompetent to be reliable witnesses on the questions at issue. All history, and the well known facts respecting human nature, warrant the conclusion that under such circumstances sectaries in support of their orthodoxy, and by way of reprisal for wrongs, real or imaginary,

53. *Messenger and Advocate*, p. 334-5. Also *Evening and Morning Star*, p. 301.

54. See *Millennial Harbinger*, for 1844, p. 38, *et seq.* Also "Braden-Kelly Debate," pp. 124-5.

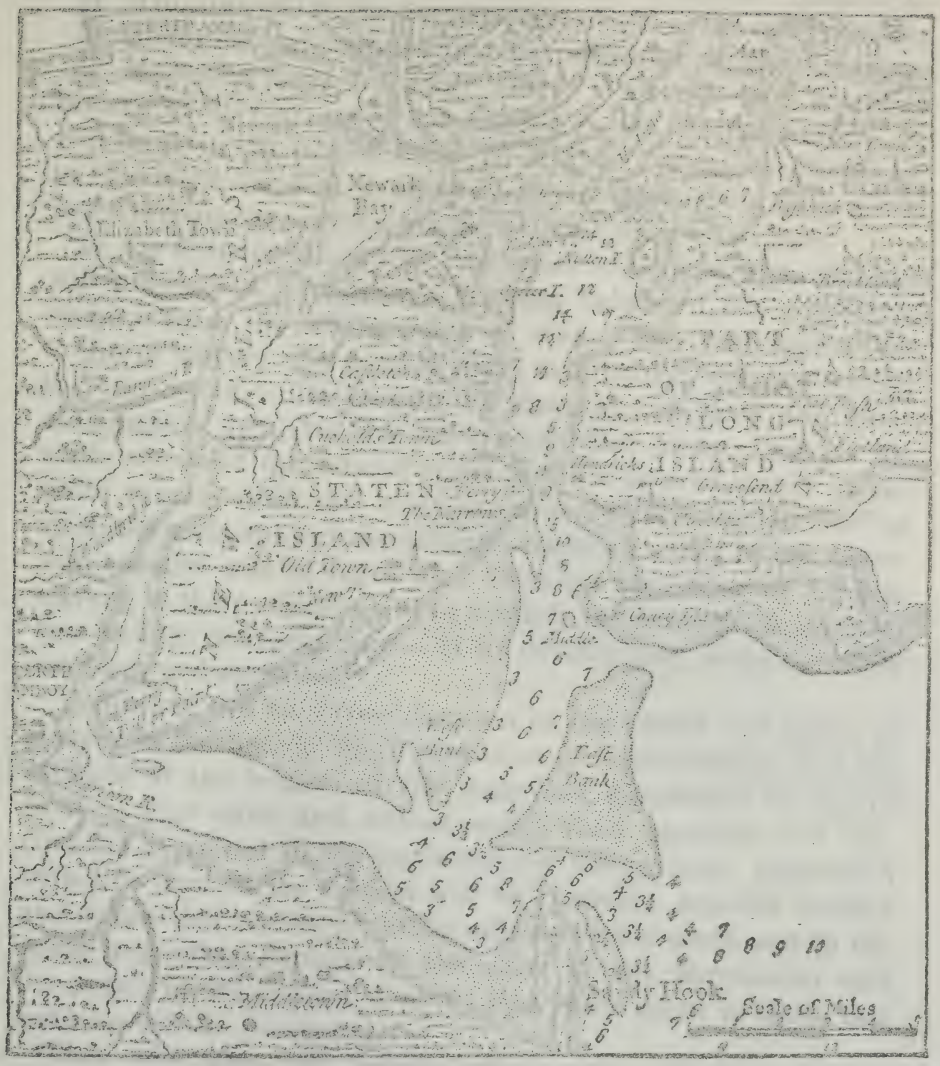
55. "Pearl of Great Price," "Writings of Joseph Smith," p. 85, (edition of 1902); also "History of the Church," vol. 1. pp. 5, 6. For an exposition and defense of this position see the present writer's "Defense of the Faith and the Saints," p. 26-27 and note.

will stoop to invention of adverse testimony; to misrepresentation; to the creation of a case, or a hurtful theory; will distort facts, in a word will bear false witness. Such false or incompetent witnesses I declare, those parties to be on whom Mr. Schroeder relies for the support of his case.

Let us take first this group of Conneaut witnesses, eight of them, used by Hurlburt, Howe, Bentley, *et al.*, and chiefly relied upon by Mr. Schroeder as supplying the "clinching"[56] evidence for the plagiarism of Spaulding's "Manuscript Found" by the author or authors of the Book of Mormon. They are the most important witnesses on the side of the Spaulding theory of the origin of the Book of Mormon; yet, by the application of the principle that recognizes the untrustworthiness of witnesses interested in opposing religious innovation; that recognizes the zeal of witnesses interested in supporting orthodoxy; that recognizes the bitterness which characterizes sectarian strife; as also the necessary vagueness of the state of mind of these witnesses in respect of those things of which they testify; as also by the consideration of many other things that will bear upon their statements—for the evidence and argument is to be cumulative—I hope to prove quite conclusively that these witnesses are incompetent, and their statements untrue.

56. See heading in "American Historical Magazine," vol. 11, No. 1, p. 70 *et seq.*

(*To be Continued*).



POPPLES PLAN OF NEW YORK AND ITS ENVIRONS, 1733.

A HISTORY OF SLAVERY

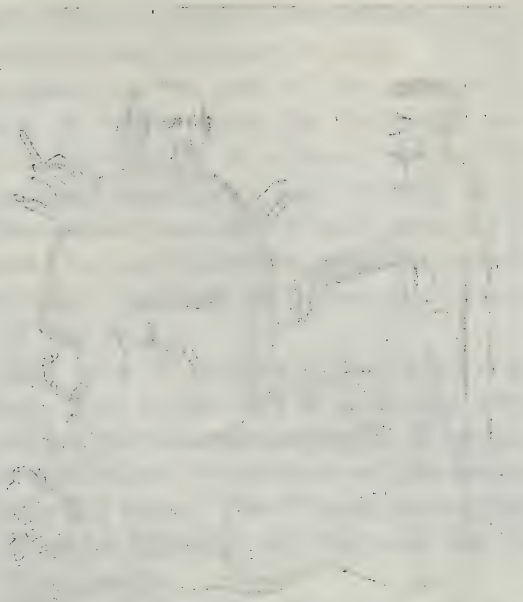
BY SALLIE R. MC LEAN

IN the January, 1909, number of the AMERICAN HISTORICAL MAGAZINE will be the first chapters of one of the most valuable historical publications that has appeared in the American magazine press for many years. This will be a complete history of slavery, as it has existed in the United States. It will be from the pen of Sallie R. McLean, whose contributions to this magazine and to other historical periodicals have given her a recognized position among native historical writers.

In the first installment of this series of papers, Mrs. McLean will present an introduction treating briefly of the subject of slavery from the world point of view. She will review the origin of slavery and present many interesting facts concerning the slavery of white peoples by those of the same and other nationalties, and also the slavery of other races, such as the white slaves of the colored races and the colored slaves of the white races. With this brief explanatory introduction leading up to the main subject the history of white slavery in the American colonies will be taken up. Then the beginning of African slavery in these colonies will be related, the cause of its installation and the different phases of its development being carefully set forth and explained.

Following will be a consideration of the extent and status of slavery at the time of the Declaration of Independence, and the attitude of the leaders of the American Revolution in regard to it at that date, and, subsequently, their opinions and conclusions as voiced in the constitutional convention. Connected with this part of the subject will be a careful, soundly studied and exhaustive review of public opinion in the north and in the south regarding slavery at the close of the Revolution and the causes of the change of views that came about in those two sections will be presented.

Then will come full consideration and explanation of the action of the various states on the slavery question and the introduction of the subject into national legislation. From that point onward, in successive numbers of the magazine, the subject will be treated most completely and in a scholarly manner in all its different phases and brought down to the present day.



POLITICAL AND PARTY ASPECTS OF THE NATIONAL JUDICIARY 1801-1835.

BY DON ENSMINGER MOWRY

VII—Cohens v Virginia 1821

IT would seem, from a careful observation, that the senate was not hostile to the judiciary in 1821. In this year we have a step taken, on the part of the judiciary committee of the senate, to confer upon the judiciary the extended power of appellate jurisdiction in crimnal cases.[1] Previous to this time, the national machinery had refused to extend the department. This action was looked upon then, as the future has since confirmed, as an indication that the prestige of the tribunal was growing. Indeed, all subsequent decisions have given evidence of the fact.

The facts in this case of Cohens v Virginia,[2] were, briefly stated, as follows: P. J. Cohen and M. J. Cohen were vending and selling tickets for the national lottery in Virginia. Tickets for a lottery, not authorized by the laws of the commonwealth, could not be sold in the state. The Cohens were tried and convicted. A writ of error followed, and the case was brought up in the United States courts.

The vital question which confronted the court was whether the court could exercise jurisdiction where one party was the state and the other a citizen; and whether in the exercise of its appellate jurisdiction it could revise the judgment of a state court, in a case arising under the constitution, laws, and treaties of the United States.

It was contended that as the State of Virginia was a party to the suit, a writ of error could not lie to the state court of the last resort; although the federal question was involved,

1. "Annals of Congress:" Vol. 37, p. 377.
2. "Reports of the Supreme Court" by Henry Wheaton; Vol. 6, p. 377.

because this was a suit against a state within the meaning of the eleventh amendment. The supreme court held that it had jurisdiction upon the clause extending its jurisdiction to all cases "arising under the constitution, the laws of the United States and treaties made under their authority," and that a writ of error was not a suit, but was merely the continuation of a suit already begun. The active opposition to the intervention of the supreme court, was an attempt to build up, in the eyes of the South, a further belief in reserved state rights. "Consider the danger that will result if too much final power is given to the judges."[3]

President Monroe said:

"It is impossible to have created a power within the government or any other power distinct from congress and the executive which should control the movements of the government.[4] * * * Nor do I believe that congress, even seconded by the judiciary power, can, without some change in the character of the nation succeed in durable violation of the rights and authorities of the States.[5] The responsibility of one branch to the people, and of the other branch to the legislature of the states, seems to be, in the present stage, at least, of our political history, an adequate barrier. * * * There is nothing, therefore, to discourage a development of the doctrine they may contain or tendencies they may threaten. Congress, if convinced of these, may not only abstain from the exercise of powers claimed for them, by the court, but may find the means of controlling those claimed by the courts itself."[6]

A radical southern review says:

"If the constitution contemplated to give the appellate jurisdiction contended for, Congress ought to arm the supreme tribunal with all the powers of *compulsion* and *restrictive process*, warranted by the principles and usages of the law."[7]

Was there not a germ of dissolution in the federal judiciary? Would the judiciary ultimately usurp legislation? This was a belief held by the southern Republicans.

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3. "Works of Thomas Jefferson," Vol. 10, p. 160.
4. "Messages and Papers of the Presidents" by T. D. Richardson, Vol. 2, p. 166. Argument used in discussing appropriations for internal improvements.
5. "Works of Thomas Jefferson," Vol. 4, p. 219.
6. "Works of Thomas Jefferson," Vol. 3, p. 226.
7. *Southern Review*, Vol. 7, p. 452.

In rendering his decision, Chief Justice Marshall said:

"The question presented to the court by the first two points made at the bar are of great magnitude, and may be truly said to vitally affect the Union. They exclude the inquiry whether the constitution and laws of the United States have been violated by the judgement which the plaintiffs in error seek to review; and maintain that, admitting such violation, it is not in the power of the government to apply a corrective. They maintain that the nation does not possess a department capable of restricting, peaceably, and by authority of law, any attempts which may be made a part against the legitimate powers of the whole; and that the government is reduced to the alternative of submitting to such attempts, or of resisting them by force. They maintain that the constitution of the United States has provided no tribunal for the final construction of itself, or of the laws or treaties of the nation; but that this power may be exercised in the last resort by the courts of every state in the Union. That the constitution, laws, and treaties, may receive as many constructions as there are states; and that this is not a mischief, or if mischief, is irremediable. These abstract propositions are to be determined, for he who demands decision without permitting inquiry, affirms that the decision he asks does not depend on inquiry. If such be the constitution, it is the duty of the court to bow with respectful submission to its provisions. If such be not the constitution, it is equally the duty of this court to say so; and to perform that task which the American people have assigned to the judicial department."[8]

But the southern men insisted upon their pet ideas. Could any good be expected by taking from the state the moral rule of their citizens and subordinating it to the general government? Was not the judiciary hunting after possible constructions and hanging inference on inference? Laws! Were they not made for men of ordinary understanding? Should they be construed by a select few? Such were the southern contentions, not over aggressive, but firm, and furnishing a foundation for the amplification of the theory even beyond radical limitations.

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8. "Reports of the Supreme Court" by Henry Wheaton, Vol. 6, p. 377.

VIII—Judicial Decisions After 1824

The case of Gibbons v Ogden,[9] which was brought up for trial in 1824, asserted the exclusive power of the Union to regulate trade and commerce. The federal assertion, which denied that New York had any right to grant exclusive privileges for steamer operations between New York and New Jersey ports, was important, in that the North came to look upon the judiciary in a different light. Yet the political results of this decision were not exceptionally marked. The strong states-rights doctrine was used in the argument, but no radical stand was taken. The universally acknowledged power of the government to impose its restrictions was only contested in a technical manner for purposes of defence.

In delivering the opinion of the court, the chief justice said:

"The enlightened patriots who framed our constitution, and the people who adopted it, must be understood to have employed words in their natural sense, and to have intended what the law said. If from the imperfection of human language, there should be serious doubts respecting the extent of any given law, it is a well-settled rule that the object for which it was given, especially when those objects are expressed in the instrument itself, should have great influence in the construction. * * * We know of no rule for construing the extent of powers, other than is given by the language of the instrument which confirms them, taken in connection with the purposes for which they were conferred"[10]

A question arose, in the case of Brown v Maryland,[11] as to whether an importer of foreign articles must take out a license from a state before he could be permitted to sell in that state. The constitution states that no state shall, without consent of Congress, levy imposts, or duties, or imports, or exports, except those absolutely necessary for the exercise of its inspection laws. Congress is to have power to regulate commerce with foreign nations, and among the several states. What right,

9. "Reports of the Supreme Court" by Henry Wheaton, Vol. 9, p. 3.
10. "Reports of the Supreme Court" by Henry Wheaton, Vol. 9, pp. 188-189.
11. "Reports of the Supreme Court" by Henry Wheaton, vol. 12, pp. 419-460. Date 1827.

then, had a state to prohibit or check, the importation from abroad of foreign goods, when the regulations of Congress place no such restrictions?

The question involved the constitutionality of the state law passed in 1821,[12] which required all importers of foreign merchandize to take out an annual license. It was contended on behalf of the State,[13] that while the general government ought to be recognized, there must be a point when such prohibition ceased and the power of the state commences. This case[14] was but another attempt to assert the southern belief. And the failure in this instance only added another coal to the southern political furnace which was to blaze forth in reddening heat in 1830.

In the case of Craig et al v the State of Missouri,[15] the court was called upon, for the first time, to determine what constituted a bill of credit, within the meaning of the constitution. An act of the state of Missouri, establishing loan offices and authorizing them to issue certificates of stock, was declared void. It was considered repugnant to that clause of the constitution which prohibits the state from emitting bills of credit. This blow was a direct slap at the Bank.

IX—Tendencies

With the period opening with 1824, there was an unusual amount of hostility to the judiciary. The new parties were beginning to exact political measures, and take active and aggressive stands. Around the judiciary centered much debate, and the general interpretations were hostile to those held by the court.

When it was proposed in the senate, by Mr. Johnson of Kentucky, during the first session of the eighteenth Congress, to increase the circuit system to all western states, thereby making an important connection between the Supreme court and those of the several District courts, there was a deal of decided

12. The New York Review, vol. 2, p. 397.
13. See McClain, Cases p. 303.
14. See New York Review for treatment of principle cases during this period, vol. 2, p. 372 *et seq.*
15. "Reports of the Supreme Court" by Richard Peters, vol. 4, p. 410.

opposition. Mr. Van Buren was against any such plan and remarked that the proper administration of justice called loudly for some change.[16]

During the same session Mr. Wickliffe offered a resolution in the House which had for its purpose the repeal of the twenty-fifth section of the judiciary act 1789. According to his idea, the power given the Supreme court of the United States court to reverse decisions of the supreme court of the State, was a dangerous one.[17]

The effort in the house, in January, 1827, to amend the judiciary laws so that a decision of the majority of the judges of the supreme court would be sufficient to make any law valid, was but an indication of the trend of political forethought. It would seem that conservative statesmen recognized the pre-eminence of the judiciary, yet wished to control its decisions without seeming to do so. The primary object was to exalt the courts and enable the majority to govern respecting the validity of the state laws.[18]

"The power which it (the principle of declaring acts void) implies is one of great magnitude and most extensive in operation; embracing within its comprehensive grasp the authority to nullify the legislative acts of the Union, and of the states individually, and even the most solemn of all acts—the expression of the will of the sovereign people of the states, in the form of their written constitutions"[19]

It was held that the concurrence of three judges could nullify a state law. The minority might thus entertain views different from the majority. This agitation became more than passing. Mr. Davis, of South Carolina, was eager to amend the judiciary act in order to prevent the court from rendering political decisions. He says:

"The supreme court claims virtually the right, under the constitution, to pronounce political judgment, and asserts the

16. Annals of Congress, vol. 41, p. 575.
17. Annals of Congress, vol. 41, p. 915.
18. Congressional Debates, vol. 1, p. 366.
19. Niles' Weekly Register, vol. 35, p. 337.

power, under the judiciary act, of carrying them into execution, by coercing sovereign states."[20]

But where was a division to be made between political laws and civil judgment? Undoubtedly such a division was intended in the constitution, but where was it? The question was not a new one, but was now of vital import to the South. "The Federalist" of 1789-1799 asserted that the federal court was the tribunal of last resort, established by the constitution, to determine questions of controversy. Virginia[21] and Pennsylvania[22] denies the appellate power of the national judiciary in the state. But even in making this liberal assertion, where was there any distinct line of demarkation? The conservative endeavor, during the same session, to increase the membership of the judiciary to ten, is now regarded only as a preventative measure, aiming primarily at judicial control.[23] A radical step was taken in the House, in 1827, when a bill was proposed which had for its ultimate object the restriction of the freedom of the supreme tribunal. The bill desired to enforce uniformity of opinion upon great constitutional questions.[24]

We can safely say that one of the great causes which aided in bringing about the election of Jackson was his interpretation of Marshall's bank decision. The Whig party[25] dreaded the rule of ignorant and violent military chieftains, but the agricultural sections of the west and south were swayed by the advocation of a "popular candidate."[26]

The opinion was that it had been the passion of the modern judges to depart from the simplicity of practice, so characteristic of the very early decisions. It was a belief that in no country had a departure been made that was more bold or pernicious than in the United States. Even in the political history of England, where the spirit of parties had sometimes raged with the most dreadful consequences, it was difficult to trace

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20. Niles' Weekly Register, vol. 39, p. 413.
21. Niles' Weekly Register, vol. 39, p. 416.
22. "Life and Writings of A. G. Dallas" by G. M. Dallas, vol. 3, p. 473.
23. Congresional Debates, part I, vol. 2, p. 825.
24. Congressional Debates, vol. 3, p. 775.
25. Were the National Republicans of Jefferson's time.
26. "Henry Clay" by Carl Schurz, vol. 1, p. 320.

any instance to countenance the political declarations, the party invectives, which had recently become a sort of prelude to the commencement of every session of the court of justice.[27]

The *Southern Review* shows the feeling of the South on the questions of the day.

"The federal government is obviously the result of a compact, to which there are no parties but sovereign states. But no one will deny that *quoad* any controversy which may arise between one state and the other, the federal government is not only a party, but also an efficient party. It has attempted to extend (through the judiciary) its own jurisdiction, to assume authority, and to trespass on those prerogatives which the States never surrender.[28] * * * In the questions which may arise, relative to the power of the federal government, it is impossible not to perceive that they (courts) are the tribunals of one party, organized, appointed, paid, receiving rank, distinction, and the means of reputation."[29]

The influence, it was believed, which they asserted, extended with the magnitude of their powers, and they must be more than men to resist the temptations that pressed upon them.

"That the lights of an unclouded judgment in the Supreme court, have not been visible, under any circumstances, when the powers of the Federal government have been drawn into question, is a truth amply attested by the records of our judicial history."[30]

It is a fact worth noting that by 1830, John Marshall stood practically alone in the judiciary. His associates had held views more or less liberal and broad like his own. But when they passed away, Republican presidents appointed men who held opinions averse to his own.[31]

X—Southern Resistance to the Judiciary

The South clearly saw that the judiciary was determined to oppose their interpretations of the constitution.[32] The men of

27. "Life and Writings of A. J. Dallas" by G. M. Dallas, p. 82.
28. The Southern Review, vol. 6, p. 429.
29. The Southern Review, vol. 6, p. 430.
30. The Democratic Review, vol. 6, p. 433.
31. "The Constitutional History of the United States by F. N. Thorpe, vol. 2, p. 458.
32. "History of the Federal Government" by A. Bradford, p. 313.

political power in the South believed that the northern *chefs de parti* were instrumental in bringing about decisions where the party in power was chiefly concerned. They held that the independency of the state courts was essential to state sovereignty.[33] There is little doubt, that, when the case of the Cherokee Nation v Georgia[34] was brought up for final consideration in 1831, that the southern feeling was thoroughly aroused.

It appears that the Georgia legislature had passed a series of acts which had for their ultimate purpose the annihilation of the Cherokees as a factor in Georgian society. The aim of the legislature was to seize their lands and appropriate them to state uses. By a solemn treaty these lands in dispute had been guaranteed to the Indians by the United States. An appeal was made, therefore, to the United States court.

The South contended, according to current literature of the day, that New York was constantly carrying her Indians to Green Bay, in Wisconsin, and that Georgia was not the only state that had attempted to govern her Indians.[35] Yet this argument was decidedly weak, and deserves but passing notice. Public opinion, and the aid of the executive, was all that was essential to overthrow the Supreme court.[36] The hostile attitude of President Jackson, toward the Indians, made this step possible. A far stronger contention was that respecting the independence of the judiciary. A typical southern expression appeared in *The Southern Review*. It reads:

"Who would not prefer that injustice should be occasionally done to our citizens, through ignorance or the corruption of our judges, than to see humbled to the dust, the independence of the state judiciary, without which, it is impossible that there can be state sovereignty or any security that the federal compact shall be preserved."[37]

In 1799, Madison had been in full sympathy with this movement, and referred to the alien and sedition[38] laws as "sanction-

33. The Southern Review, vol. 6, p. 452.
34. "Reports of the Supreme Court" by Richard Peters, vol. 5, p. 1.
35. Niles' Weekly Register, vol. 39, p. 701.
36. Niles' Weekly Register, vol. 38, p. 101.
37. Niles' Weekly Register, vol. 6, p. 475.
38. See former treatment of the Judiciary. American Historical Magazine, January, 1908, vol. III, pp. 83-97.

ing dangerous powers beyond the grant of the constitution." Now he upheld the judiciary and considered the court as the only supreme judge. This changed attitude aroused some expression of disapproval. Yet Madison and his school believed in a limited sovereignty. They were not of the fire-eating Georgia type. His belief was simply this:

"Those who have denied or doubted the supremacy of the judicial power of the United States, and denounce at the same time a nullifying power in a state, seem not to have sufficiently adverted to the utter inefficiency of a supremacy in the law of the land.[39]

An interesting opinion was held by the governor of Georgia, George M. Troup. In the *Georgia Journal* for March 15, 1832, he is quoted as saying "The judges know you will not yield obedience to mandates, and they may desire pretexts for the enforcement of them, which I trust you will not give."[40]

It was argued on behalf of the Indians that the tribe was a foreign state, not owing allegiance to the United States; not to any state of the Union; nor to any prince, potentate, or state other than their own. Had not the nation established a constitution? A treaty had been made with the United States. Were not treaties the supreme law of the land? Did not the president have power to protect the nation against the laws of Georgia? It was clear that, in the opinion of the court, it was stated that the extention of the laws of Georgia over the Cherokee territory were valid and constitutional. This one case had been thrown out of court because no standing in court could be conceded to the plaintiffs. The decision was against the Cherokee Nation for the time being; but it did not necessarily follow that a subsequent decision would bear out the claims of the State of Georgia.[41]

Georgia took active steps to drive out of the Cherokee territory all whites who were there as traders or missioners. Two missionaries,[42] who refused to leave the territory, were arrested,

39. Pamphlets on state rights, in the Wisconsin Miscellaneous Collection.
40. Niles' Weekly Register, vol. 42. p. 78.
41. Georgia State Rights, p. 78.
42. They were Worcester and Thompson.

tried and condemned to four years of hard labor in the state penitentiary. A writ of error from the supreme court in 1832, secured their release, and the law that convicted them was held to be unconstitutional.[43] This was, to the South, but *un coup de partie*. Their state rights were seriously threatened. Even Jackson gave his opinion that Georgia was justified in her action. Wilson Lumpkin, the governor of Georgia, had made up his mind, on coming to office, to uphold the sovereign power of the state, and as a result the decision in this case was virtually disobeyed. In a message he says:

"In exercising the duties of that department of the government which devolves upon me, I will disregard all unconstitutional requisitions, of whatever character or origin they may be, and to the best of my abilities, will protect and defend the rights of the state, and use means afforded me to maintain its laws and constitution."

The refusal of the president to aid the judiciary in this matter was an unfortunate thing for the department. The victory for Georgia seemed complete. The opponents of the administration felt that Jackson had taken the stand he did in order to curry favor in the South. In this connection, the sentiment that was opposed to Jackson was working to extend the powers of the judiciary. If greater power could be given to the department, it could act independent of the president.

In this connection John Quincy Adams says: "The Union is in most imminent danger of dissolution, from the old inherent vice of confederacies, anarchy in the member."[44] In speaking of the fact that the governor of Georgia refused obedience to the laws of the United States, he continues:

"Is there any remedy for this state of things? None. Because the executive of the United States is in league with the state of Georgia. He will not take care that the laws be faithfully executed. A majority of both houses of congress sustain him in this neglect and violation of his duty. There is no harmony in the government of the Union. * * * As the exec-

43. Niles' Weekly Register, vol. 41, p. 174. Case of Butler vs. Georgia similar.
44. "Memoirs of J. Q. Adams" by C. F. Adams, vol. 8, p. 263.

utive and legislative fail to sustain the judiciary, it is not improbable that occasions may arise in which the judiciary will fail in turn to sustain them.''[45]

The Jacksonian theory degraded representative institutions, yet secured the re-election of Jackson in 1832. It seemed at first that President Jackson was hostile to the construction of the constitution which seemed to encroach upon the states rights. We have seen that Jackson encouraged the encroachments of the states on the federal government, and openly defied the authority of the supreme court. He endeavored, in a word, to ''bring back the constitution to the embecility of the old confederation.''[46] But the southern nullifiers found that they too could not rely upon him. In an early message to Congress,[47] he indicated that the south must be considered a part of the Union, regardless of sectional differences.[48]

The active stand on the part of South Carolina, to assert her independence of the national government, i. e. her nullification theory, brought out an expression from Jackson, indicative of his independent attitude on all matters relating to the government.

''I consider the power to amend a law of the United States, assumed by one state, incompatible with the existence of the Union, contradicted expressly by the letter of the constitution, unauthorized by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was founded.''[49]

Jackson doubtless saw the necessity of checking the new political theory,[50] and it would never have attained to the power it possessed in 1832 if the president had enforced former judicial decisions.

The whole South was dissatisfied with the tariff of 1828, and frantic with that of 1832. Only in South Carolina, however, was there an open expression of discontent. Her activity made

45. "Memoirs of J. Q. Adams" by C. F. Adams, vol. 8, p. 263.
46. "The Administration of Jackson," p. 76.
47. January 16, 1833.
48. Congressional Debates, vol. 9, p. 145.
49. Andrew Jackson, by W. G. Summer, p. 483.
50. Niles' Weekly Register, vol. 43, p. 317.

the other states of the South see the situation in a similar light, and every state joined in a protest. Jackson attempted to assert that the constitutionality of the tariff was to be properly dictated by the supreme court. This was a departure from his former treatment of the judiciary, but the expedient seemed necessary to him at this time. Jackson may have referred the South to the judiciary in order to deaden the effect of his part in the Cherokee affair.

The southern sentiment was strongly in favor of open resistance to the federal government. The papers asserted that, in the present controversy between the United States and the nullification party in South Carolina, they would never submit to the use of force to compel them to obey the dictation of the government of the United States.[51] The *Augusta Chronicle* says: "General Jackson is therefore warned not to rely upon Georgia for any assistance against South Carolina."

In 1832, in his veto of the bill for the renewal of the charter of the Bank of the United States, Jackson took a position which was directly opposed to the existing system, and asserted his right to disapprove of the bank, despite the fact that the supreme court had held that the bank charter was constitutional. The open defiance of the judiciary, on the part of the president, was not out of accord with his general attitude on other matters of government. His treatment of the department, in the southern disputes, showed a decided lack of principle and judgment. If Andrew Jackson had not defied the new political ideas of the South, some excuse might have been offered for his position. But to openly defy the judiciary, together with the South, was indicative of his independent character, to say the least.

In speaking of the veto on the Bank bill, Webster says:

"It is true that each branch of the legislature has an undisputed right, in the exercise of its functions, and to consider the constitutionality of a law proposed to be passed. This is naturally a part of its duty, and neither branch can be compelled to pass any law, or any other act, which it deems to be beyond the reach of its constitutional power. The president has the same

51. "The Sectional Struggles," by C. W. Hassis; see for best general treatment.

right when a bill is presented for his approval; for he is, doubtless, bound to consider in all cases, whether such will be compatible with the constitution, and whether he can approve it consistently with his oath of office. But when a law has been passed by congress, and approved by the president, the courts alone can decide upon the constitutionality of that law.''[52]

The opinion of the president was as follows:

''If the opinion of the Supreme court covered the whole ground of this act, it ought not to control the co-ordinate authority of the government. The congress, the executive, and the courts, must each for itself be guided by its own opinion of the constitution.''[53]

A step which caused the government to pause and compromise was the general idea which can best be expressed by the words of Calhoun.

''The right of the state is not to resume delegated powers, but to prevent the reserved powers from being assumed by the government.''[54]

According to Calhoun's theory there was no power which was doing more to aid the Jackson Democrats than the judiciary. He says:

''The supreme court is as much the creature of a majority as congress itself, and the very object of nullification is to resist the encroachments of the tyrant majority. The supreme court is already committed to the side of the stronger, to which stronger the judges owe their offices, and therefore, cannot justly be allowed a voice in the matter.''[55]

The *Democratic Review* reiterated the southern feeling.

''From the personal training of American judges, and the nature of American institutions, our courts have become so political, as to deem *meus* and *tuum* subordinate if not irksome

52. Benton's Abridgement, vol. 11, p. 518 and the American Law Review, vol. 19, p. 196.

53. "A Compilation of the Messages and Papers of the Presidents, 1789-1897" by T. D. Richardson, vol. 2, p. 582; also "The Jacksonian Epoch" by C. H. Peck, p. 187.

54. "Works of J. C. Calhoun" by R. K. Cralle, vol. 6, p. 177.

55. "Life of Andrew Jackson" by J. Parton, p. 434.

matters, while the delight and glory of the supreme court has been, fomented by ardent advocates, surrounded by brilliant auditors, to pass upon the laws and rights, the interests and liberties, of sovereign states; to sit in judgment upon the acts of presidents and governors, charters of banks and universities, treaties, creation, existence, intercourse of nations, rights of war, and other such ambitious topics, seldom elsewhere the province of jurisdiction; not only to interpret and enforce laws, but to annul them."[56]

XI—Conclusion

There can be no doubt that, at the conclusion of John Marshall's chief justiceship, the national judiciary had made for itself a reputation which was eventually to free the department from political entanglements. While the then current opinion with reference to the department fails to bear out this contention, the fact still remains. The judgments of Marshall, so convincing, so full of wisdom, have remained unchanged, unquestioned, unchallenged. The idea of a national tribunal, independent in and of itself, was a departure inconceivable to our early politicians. It was not until after the second war with England that any prestige was definitely attached to the department. But the over-importance of political machinery, in shaping doctrines of party concern, made the judiciary a potent fact in every campaign. If another than Jackson had controlled our government from 1829 to 1836, the department would have been placed upon an independent basis at the conclusion of that period.

John Marshall, to use his own words, "never sought to enlarge the judicial power beyond its proper bounds, nor feared to carry it to the fullest extent that duty required."[57]
It was his disposition and tendency to preserve that which was established, which made all subsequent labors of that high tribunal, on the subject of constitutional law, directly in conformity with his beliefs. If, perchance, the constitution should perish, John Marshall's decisions would still remain to display to

56. The Democratic Review, vol. 1, p. 140.
57. "John Marshall" by J. B. Thayer, p. 106.

the world the principles upon which they arose, and by the disregard of which the constitution fell.

"The constitution seemed not so much to rise under his hands to its full stature, as to be gradually unveil d by him till it stood revealed in the harmonious perfection of the form which its framers had designed."[58]

The period from 1801 to 1835 was one of intense political feeling. It may be called the period of the formation of political parties upon a modern basis. True it is that throughout the entire epoch political and party machinery was taking definite shape. In the light of this fact, it does not seem strange that the national judiciary should have been actively associated with the general tendencies.

Jefferson's attack upon Marshall was characterized with too much personal feeling and political virulence.

"His comments upon the constitutional opinions of the chief justice, have little of the urbanity of a gentleman, less of the acuteness or skill of a jurist. He accuses him of sophistry, without any offer of proofs; of false reasoning, without being able to point out his errors; and insidious cunning, without a shadow of evidence to sustain the charge."[59]

John Quincy Adams, in his writing upon the death of Marshall, said:

"All constitutional governments are flexible things; and as the supreme judicial court is the tribunal of last resort for the construction of the constitution, and the law, the office of chief justice of that court is a station of the highest trust, of the deepest responsibility, and of influence far more extensive than that of the President of the United States. John Marshall was a Federalist of the Washington school. The associate judges from the time of his appointment have generally been taken from the Democratic or Jeffersonian party. Not one of them, excepting Story, has been a man of great ability. Marshall, by the ascendency of his genius, by the amenity of his deportment, and by the imperturable command of his temper, has given a permanent and systematic character to the decisions of the con-

58. "The American Commonwealth" by John Bryce, vol. 1, p. 375.
59. The New York Review, vol. 3, p. 344.

stitution, and settled many great constitutional questions favorably to the continuance of the Union. Marshall has cemented the Union which the crafty and quixotic democracy of Jefferson has a perpetual tendency to dissolve. Jefferson hated and dreaded him, Marshall kept Jefferson much under the curb,—sometimes, as perhaps in the case of Aaron Burr's conspiracy, too much so; but Marshall's mind was better regulated than that of Jefferson.'"[60]

Under the Jackson Administration, there was extreme democracy. The personal rule of the president was felt everywhere. Five vacancies occurred on the supreme court bench during the Jacksonian epoch, and they were filled by democratic appointment.[61] By the appointment of R. B. Taney as chief justice in 1835, a complete change was wrought in the department. For twenty-eight years decisions were to be as democratic as they had been federal under Marshall.

Just before Marshall's death the Bank was not sustained in its issue of bills of credit upon the ground of unconstitutionality.[62] But, coming before Chief Justice Taney, the decision was given in favor of the Bank. This step marks a beginning of a new era of our national judiciary. The court, which up to this time was federal in its decisions, now begins to show democratic tendencies. In the case of Briscoe, it broke from all previous principles, and for the first time declared nugatory one of the provisions of the constitution.[63] From the standpoint of politics as well as history the struggle for class supremacy, conspicious in the period just following Marshall's chief justiceship, is most interesting. The constitution has been carried through the experimental stages,—the new struggle is to be one of class interests. As the years come and go, petty political methods pay a smaller part in judicial activity and in judicial interpretation.

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60. "Memoirs of J. Q. Adams" by C. F. Adams, vol 9, p. 243.

61. McLean, 1828; Baldwin, 1830; Wayne, 1835; Taney and Barbour, 1836.

62. Briscoe vs. Bank of Commonwealth of Kentucky in "Reports of the Supreme Court" by Richard Peters, vol. 2, p. 257.

63. "Supreme Court of the United States" by W. W. Willoughby, p. 92.

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HISTORICAL SOCIETIES

THE annual meeting of the Mississippi Valley Historical Association was held at Lake Minnetonka, Minn., June 22-23, 1908. Although this was the first regular meeting of this association, over forty of the leading historians of the Mississippi Valley were present, and participated in the discussions. Many states outside of the valley were represented, altogether representatives from twenty-three states being present. The association now numbers over one hundred members. The papers presented at the meeting covered a wide range of subjects, and the association voted to publish at once, the proceedings of the association to date, including the papers presented at this meeting.

The Mississippi Valley Historical Association was organized in Lincoln, Nebraska, October 17-18, 1907. A second meeting was held in connection with the American Historical Association meeting at Madison, Wisconsin, December 28-30 of the same year. The constitution provides for holding two meetings annually, one of which is held in connection with the meeting of the American Historical Association, and the other at some point in the Mississippi Valley, to be selected by the Executive Committee.

At the Lake Minnetonka meeting the following officers were elected: President, Dr. Clarence W. Alvord, Urbana, Ill.; Vice-President, Prof. Orin G. Libby, Grand Forks, N. Dak.; Secretary-Treasurer, Clarence S. Paine, Lincoln, Neb.; Executive Committee, Dr. Benjamin F. Shambaugh, Iowa City, Ia., Dr. Dunbar Rowland, Jackson, Miss., Mr. F. A. Sampson, Columbia, Mo., and Dr. Thomas M. Owen, Montgomery, Ala. The time and place of holding the next mid-summer meeting will be determined later by the Executive Committee. Invitations were presented from Iowa City, Ia., Des Moines, Ia., Springfield, Ill., St. Louis, Mo., and Lincoln, Neb.

BOOK OF BRUCE

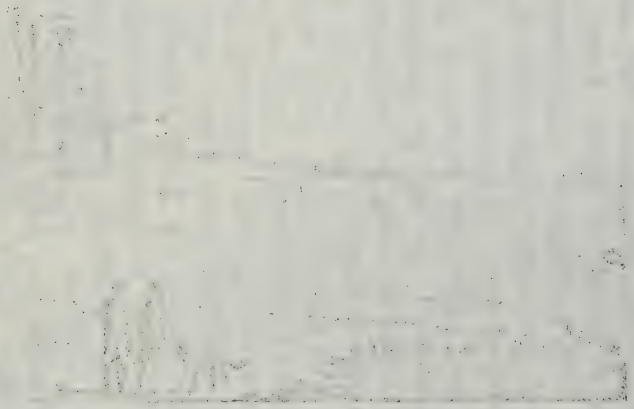
BY LYMAN HORACE WEEKS

CHAPTER TEN

Line of the Irish Kings

NO history of ancient times has been more carefully or more thoroughly investigated by painstaking scholars of mediæval and modern times than that which treats of the origin and the careers of the Irish kings. Plentiful records concerning those monarchs were preserved by the old monks of the early Christian period; and beyond that the priests and other functionaries who surrounded the rulers of the world in the long generations antedating the coming of Christ preserved much of information concerning the people from whom the Irish race and subsequently that of Scotland originally sprang. To these varied and multitudinous records were gradually added an abundance of tradition and much of mythical lore out of all which it has been possible to derive an interesting and generally acceptable account of the Hibernian chiefs and their ancestors.

It is largely due to the labors of the scholastic monks in the early centuries of the Christian era and even before that time that we are able to trace the history of those rulers chronologically and genealogically. If the fifth century nine scholars, among whom were St. Patrick, St. Benignus, and St. Carioch were appointed by the triennial parliament of Tara in the reign of Læghaire, the one hundred and twenty-eighth monarch of Ireland, "to review, examine and reduce into order all the monuments of antiquity, genealogies, chronicles and records of the kingdom." The documents thus examined and placed in order were carefully preserved in the national archives until the Danish and Anglo-Norman invasions. At that time some were



BRUCE'S CASTLE.

destroyed; some were carried away to Belgium, Denmark, England, France, Rome, and elsewhere; some were preserved in public and private libraries in Ireland, and some were held in safety in Irish and Scotch convents and monasteries.[1]

Early in the seventeenth century another special undertaking was inaugurated to bring together these scattered records, to compare them with original documents, and to compile from the vast amount of widely distributed material a reliable history of the colonization of Ireland from the earliest ascertainable period to about the close of the sixteenth century. The monumental work that was thus accomplished is known as "The Annals of the Kingdom of Ireland by the Four Masters," and also as "The Annals of the Four Masters." Upon this imposing work later historians and genealogists have in large measure depended although much has been added from time to time from other sources giving additional information or throwing new light upon what had been before collated. Thus the celebrated "Irish Pedigrees" of O'Hart and the works of O'Farrell, the Irish historiographer to Queen Anne, and other investigators have given us works that not only reproduce but reinforce the conclusions of the Four Masters.

The task of compiling these annals was placed in the hands of the three brothers O'Clery,—Michael, Cucogry, and Conaire, —and Feearfeasa O'Mulconaire. Michael O'Clery, or Teige of the Mountain, was born in 1575. Early in life he sought admittance to the religious order of St. Francis, but instead of giving himself up to religious work he determined to devote his life to historical research. He and his brothers became hereditary historians to the O'Donnells, princes of Tyrconnel. Peregrine O'Duigenan and Maurice O'Mulconaire of Rosecommon, who were hereditary historians to the kings of Connaught, assisted the O'Clerys and Feearfeasa O'Mulconaire in their work.

Throughout a period of fifteen years these scholars were engaged in gathering manuscripts and various kinds of documentary and traditional evidence from all parts of Ireland. They had access to the "Annals of Boyle" which the monks in the Cistercian monastery of Boyle had collected; the "Annals

1. "Irish Pedigrees" by John O'Hart, Fifth Edition, vol. 1, p. 17.

of Connaught" which dealt with the history of Ireland from the thirteenth to the sixteenth century; the "Annals of Innisfallen" which had been collected by the monks in the abbey of Innisfallen and were also sometimes called the "Annals of Munster;" the "Annals of Ulster" collected by Cathal Maguire in the fifteenth century, and other important collections of similar character

Many of these original annals have been preserved to the present day and are even now accessible to scholars. The Leabhar-Gabhala of the O'Clerys contains poems and other documents which were the sources of the bardic history of Ireland. Many passages from these poems were reproduced verbatim in the "Annals of the Four Masters." The first manuscript is in the library of the Royal Irish Academy. Another valuable source of information for this compilation was the "Annals of Clonmacnoise" which contained the synchronisms of Flann, the poems of Maelmura, poems of Gillacaemhain, and so on.

The catalogue of Irish kings by Gillacaemhain, incorporated in the "Annals of the Four Masters," was principally derived from the accumulated traditions of the poets and seanachils of Ireland. Pinkerton and other Scottish historians who have dealt with the early centuries of Ireland and Scotland unreservedly admit the antiquity and general reliability of this list. Pinkerton in commenting upon it says that it was "so easily preserved by the repetition of bards at high solemnities and some grand events of history" that it is readily credible. Michael O'Clery, speaking of the work of himself and his asosciates, said that the annals were compiled "from the ancient and approved chroniclers, records and other books of antiquity of the kingdom of Ireland." The work upon the annals was begun in the monastery of Donegal in 1632 and was finished in 1636. From the locality where the work was done the annals are sometimes called the "Annals of Donegal."

A further reason for confidence in these annals is derived from the fact that the first settlers upon the island, the Milesians, established principles of law particularly involving hereditary possession of property. They adhered to the principle that a man's right to inheritance depended upon his family rela-

tionships, and therefore with them genealogy early became a very important matter. They employed officials whose duty it was carefully to compile the genealogical history of all families of prominence. These Milesian Irish genealogical records and chronicles were, even in the centuries before Christ, constantly examined and revised in order to prevent errors and to continue the historical family account. As state documents they were preserved from generation to generation, and they constituted the material from which in the third century was written, by order of the monarch Cormac MacArt, a history of the Irish nation called "The Psalter of Tara."

From this and from other equally ancient and valuable records Cormac MacCullenan, Archbishop of Cashel and King of Munster, wrote in the ninth century "The Psalter of Cashel," the original of which is now in the library of the British Museum. The reliability of these annals and records is now very generally recognized by scholars, and the chronological and genealogical pedigrees of the Irish kings set down in them is accepted as being quite as fully established as any history dealing with periods as far back as the beginning of the Christian era.

From the outset the royal Milesian rulers of Ireland were split into several lines of lords who controlled different parts of the island, just as in Norway, before the time of Harald Harfagra, the country was divided into many small kingdoms held by independent princes. But all these Irish kings derived originally from the same common stock and were also closely allied by intermarriages in successive generations. Ultimately they united in the one royal house which held the most part of Ireland long before the Christian era and which, in its royal descendants, gave to Scotland the great family which dominated that country for nearly seven hundred years and became especially distinguished in its famous kings, Kenneth, Alexander, and Malcolm.

According to the ancient Irish historians Ireland was colonized by several nations more than two thousand years before the Christian era. These colonists were mostly of Scythian origin and they made no very deep impress upon the new country in which they settled, never rising in civilization higher than

mere tribal existence. Then came the permanent occupants of the island who conquered the tribes who had preceded them. The origin of the later settlers has been traced to the conquerors from the East who overran the southwestern peninsula of Europe, subjugating the rude people of Galicia and Luistania long before the Roman legions had invaded those countries.

These were the Gaelic, Milesian, or Scotic men who arrived in Ireland in the year of the world 3500, according to the ancient chronology. Under them the country was developed into a nation. They set up stable government, bringing with them customs and laws that had made Assyria, Egypt, Babylon, and other nations of the East rich and powerful and the forerunners of modern civilization. The nation that they established remained in existence, and the continuity of the royal line was unbroken until Ireland was subjugated by King Henry II. of England in 1186.

It is recorded[2] that Niul, the youngest son of Fenius Farsa (Phœniusa Farsaidh), king of Scythia, being a man of great learning was invited into Egypt by the ruling Pharaoh about the time of the captivity of the Israelites. He received land bordering on the Red Sea and married Scota, a daughter of Pharaoh. Gaodhal or Gathelus, the son of Niul, was the ancestor of the Clan-na-Gael, that is "the children or descendants of Gaodhal." He lived in the time of Moses who, it is said, at one time cured him of a serpent's wound by the laying on of a rod. During many succeeding generations the descendants of Gaodhal who were driven out of Egypt led their people in warfare on the island of Creta, in Scythia, and up and down the Caspian sea. Cachear their high priest foretold that,

> "there should be no end to their wanderings until they should arrive at the western island of Europe now called Ireland, which was the place destined for their future and lasting abode and settlement; and that not until their posterity after three hundred years should arrive there."

Brath, the seventeenth king in line after Gaodhal, ruled in Getulia or Libya, but leaving that country established a colony

2. "The Annals of the Four Masters."

in Galicia, Spain. His son Breoghan, or Brigus, conquered Galicia, Andalusia, Murcia, Castile, and Portugal, and made himself king of all those countries. He built Breoghan's tower or Brigantia in Galicia and the city of Briganza or Braganza in Portugal, which was named after him. Also Castile was originally called Brigia for him. Brigus sent into England a colony that settled in the territory now embraced in the counties of York, Lancaster, Durham, Westmoreland, and Cumberland. These colonists were called Brigantes, and centuries later, the Romans found their posterity there.

A grandson of Brigus was Milesius of Spain who is the great figure in ancient Irish history. In his youth he went back to Scythia, the early home of his race; there he married a daughter of the king and was made a general of the army. He grew in power and in the affection of the people until the king became jealous of him and determined to put him out of the way. Milesius, anticipating his father-in-law's intentions, slew him and sailed away to Egypt with a fleet of sixty vessels. In Egypt Pharaoh Nectonibus received him graciously, made him a general, kept him eight years in the country, and gave him his daughter Scota in marriage.

Returning to Spain he found that his father was dead and his country threatened by the invasion of foreign tribes. He fought these enemies successfully, winning, it is said, fifty-four battles and establishing peace throughout the land. Inspired by a desire to find out about the islands to the west and remembering the prophecy of the old magician of his race centuries before, concerning them and his people, he sent his uncle Ithe thither to spy out the land. Ithe was killed by the islanders who resented his intrusion, and then in revenge Milesius determined to invade and subdue the country; but before he could mature his plans he died.

The eight sons of Milesius undertook to carry out the work that their father had contemplated, but on the way westward part of their fleet was destroyed and five of the brothers were drowned.

"They met many difficulties and various chances before they could land; occasioned by the diabolical arts, sorceries and

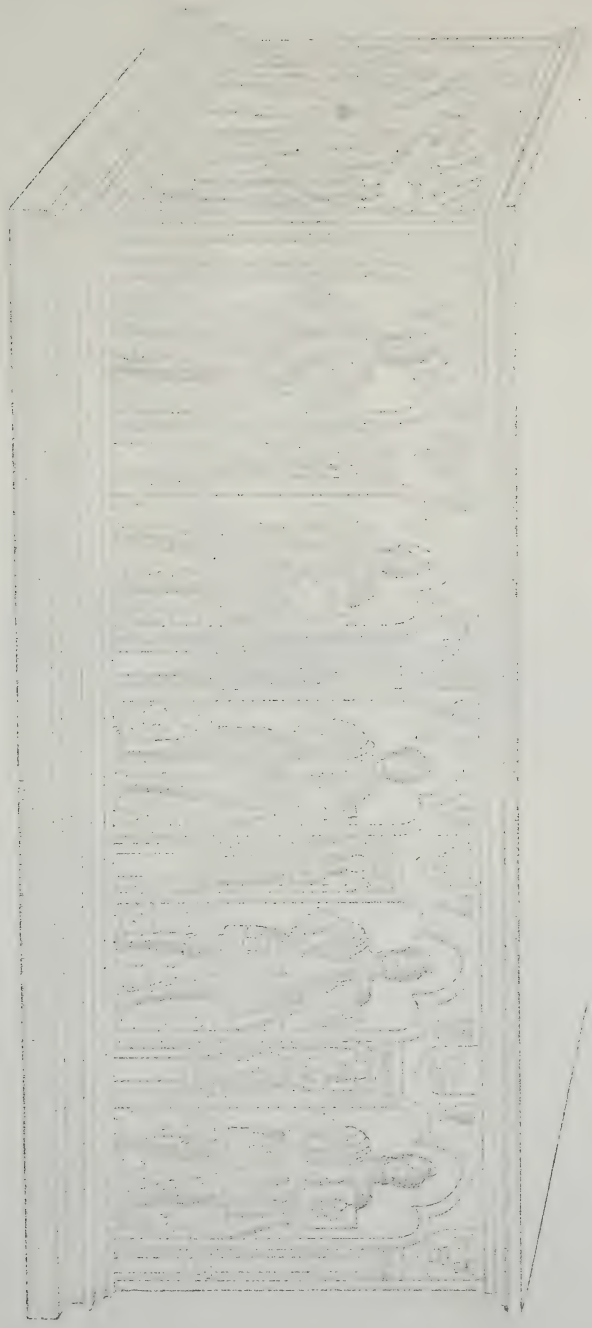
enchantments used by the Tuatha-de-Danans, to obstruct their landing; for by their magic art, they enchanted the island so as to appear to the Milesians or Clan-na-Mile in the form of a hog and no way to come at it (whence the island, among the many other names it had before, was called Muc-Inis or the Hog Island."[3]

The three surviving brothers, Heber, Heremon, and Amergin with Heber Donn, son of Ir, one of the brothers who had perished, effected a landing, slew in battle the three Tuatha-de-Danan kings, routed their army, and took the country.

"Heber and Heremon, divided the kingdom between them (allotting a proportion of land to their brother Amergin, who was their arch-priest, druid or magician; and to their nephew Heber Donn and to the rest of their chief commanders), and became jointly the first of one hundred and eighty-three kings or sole monarchs of the Gaelic, Milesian or Scottish race, that ruled and governed Ireland successively for two thousand eight hundred and eighty-five years from the first year of their reign Anno Mundi three thousand five hundred to their submission to the crown of England in the person of King Henry the Second; who, being also of the Milesian race by Maude, his mother, was lineally descended from Fergus Mor Mac Earca, the king of Scotland, who was descended from the said Heremon, so that the succession may be truly said to continue in the Milesian blood from before Christ one thousand six hundred and ninety-nine years down to the present time."[4]

"This invasion, conquest or plantation of Ireland by the Milesian or Scotch Nation took place in the Year of the World 3,500 or the next year after Solomon began the foundation of the Temple of Jerusalem, and 1,699 years before the Nativity of our Saviour Jesus Christ; which according to the Irish computation of Time, occurred Anno Mundi, 5,199; therein agreeing with the Septuagint. Roman Martyrologies, Eusebius, Orosius and other ancient authors; which computation the Irish chroniclers exactly observed in their Books of the Reigns of the Monarchs of Ireland, and other Antiquities of that Kingdom; out of which the Roll of the Monarchs of Ireland, from the beginning of the Milesian Monarchy to their submission to King

3. "Irish Pedigrees" by John O'Hart, Fifth Edition, vol. 1, p. 53.
4. "Irish Pedigrees" by John O'Hart, Fifth Edition, vol. 1, p. 54.



Henry the Second of England, a Prince of their own blood, is exactly collected.'"[5]

The expedition of the sons of Milesius is the theme of Thomas Moore's beautiful Song of Inisfail:

"They came from a land beyond the sea
And now o'er the western main
Set sail, in their good ships, gallantly,
From the sunny land of Spain.
'Oh, where's the isle we've seen in dreams,
Our destined home or grave?'
Thus sang they, as by the morning beams,
They swept the Atlantic wave.

And lo! where afar o'er ocean shines
A spark of radiant green,
As though in that deep lay emerald mines,
Whose light through the wave was seen.
'"Tis Innisfail—'tis Innisfail!'
Rings o'er the echoing sea;
While, bending to heaven, the warriors hail
That home of the brave and free.

Then turned they unto the Eastern wave,
Where now their day-god's eye
A look of such sunny omen gave
As lighted up sea and sky.
Nor frown was seen through sky or sea,
Nor tear o'er leaf or sod,
When first on their Isle of Destiny
Our great forefathers trod."

On his shield and standard Milesius of Spain bore three lions. In explanation of these insignia the story is told that on one occasion in his younger days, when journeying in Africa he killed three lions on a single day. In memory of this exploit he always after bore three lions on his shield. His two surviving sons, Heber and Heremon, and his grandson, Heber Donn, after their conquest of Ireland, adopted these arms, each of them bearing a single lion on his shield and banner, but of different colors. Their descendants to this day preserve these arms with

5. "Irish Pedigrees" by John O'Hart, Fifth Edition, vol. 1, p. 55.

additions and changes. The lion rampant was born by the royal house of Scotland, the earls of Huntingdon, and the Bruces.

For a more detailed account of the pedigrees of the kings of Milesian origin during their occupancy and control of the Emerald Isle, the records and annals already quoted may be profitably consulted. In the centuries just preceding the birth of Christ one of the strongest royal houses of Ireland ruled Dalriada.

Aeneas Tuirmeach-Teamrach, the eighty-first monarch, of Ireland, who died at Tara, the royal seat of the Irish kings, in 324 B. C., had a son named Fiacha Firmara; this son was the ancestor of the kings of Dalriada in Ireland, and Dalriada and Argyle in Scotland. In the twenty-first generation from Fiarcha Firmara was Conaire II., known as Conaire MacMogha Lainne; he married Sarad, the daughter of Conn of the one hundred battles, who began to reign in 122. Carbry Riada, the son of Conaire II. and his wife Sarad, was the first king of Dalriada. He invaded the northeastern part of Ireland and conquered a new territory which was named after him. He was a cousin of King Comal, and his descendants lived and ruled under the protection of the sovereign house of Ireland from the time of the first occupancy of the country in the middle of the third century. After Carbry Riada the successive kings of Dalriada, his lineal descendants, were Kionga, Felim Lamh-foidh, Eochy Fortamail, Fergus Uallach, Aeneas Fort, Eochy Mun-reamhar, Earc, and Loarn; the last named was the last king of the province and with him we come to the beginning of the Scottish kings.

CHAPTER ELEVEN

Ancient Royal House of Scotland

AS was shown in the preceding chapter, toward the conclusion of the fourth century the Dalriadinian Scots were one of the powerful ruling peoples of Ireland. Previous to that time men of the same Scot origin had sailed across the narrow waters between Ireland and the larger island and established themselves in a desultory way in

North Britain. There they had come more or less in contact with the Picts who were already located in that region and who, as distinguished from the newcomers, were of Gothic descent instead of Gaelic. Before the end of the fourth century larger and more studied invasions of Romanized Britain were made by the Scots from Ireland. On one occasion, in 360 B. C., they were repelled by the natives of North Britain, but this in no wise dampened their ardor.

This immigration continued persistently, if not strongly, for several centuries. Ultimately a substantial colony from Irish Dalriada came over and, settling at Kintyre in 503, succeeded in establishing firm footing. The Dalriadinian Scots affiliated with the men of Scottish origin who had preceded them and made common cause against the more barbarous Picts. Gradually, as time wore on, they became succeesful in their fighting, and not only were able to maintain themselves in their newly chosen home but gradually encroached more and more upon the territory of the Picts.

Bede, the historian, says:

"In course of time, Britain, besides the Britons and Picts, received a third nation, Scotia, who, issuing from Hibernia, under the leadership of Reuda (Riada) secured for themselves, either by friendship or by the sword, settlements among the Picts which they still possess. From the name of their commander they are to this day called Dalreudini; for, in their language, dal signifies a part. Dalriada meant Riada's portion."

Fergus is the first Scottish king recognized in the line of descent from the Irish kings to King Kenneth McAlpin of a later generation. Some antiquarians have built up a pedigree extending many generations beyond Fergus, but their conclusions have not been accepted by conservative and more reliable investigators and scholars. Scotland's great historian, George Chalmers, in his "Caledonia" concedes the beginning of the line of Scottish kings in Fergus as historically and conclusively established. Other historians and genealogists of his day and of later periods who have made a particular study of the earlier and somewhat cloudy periods of Scottish history, unite in agree-

ment with him. Upon the strength of their conclusions the record from Fergus is received.

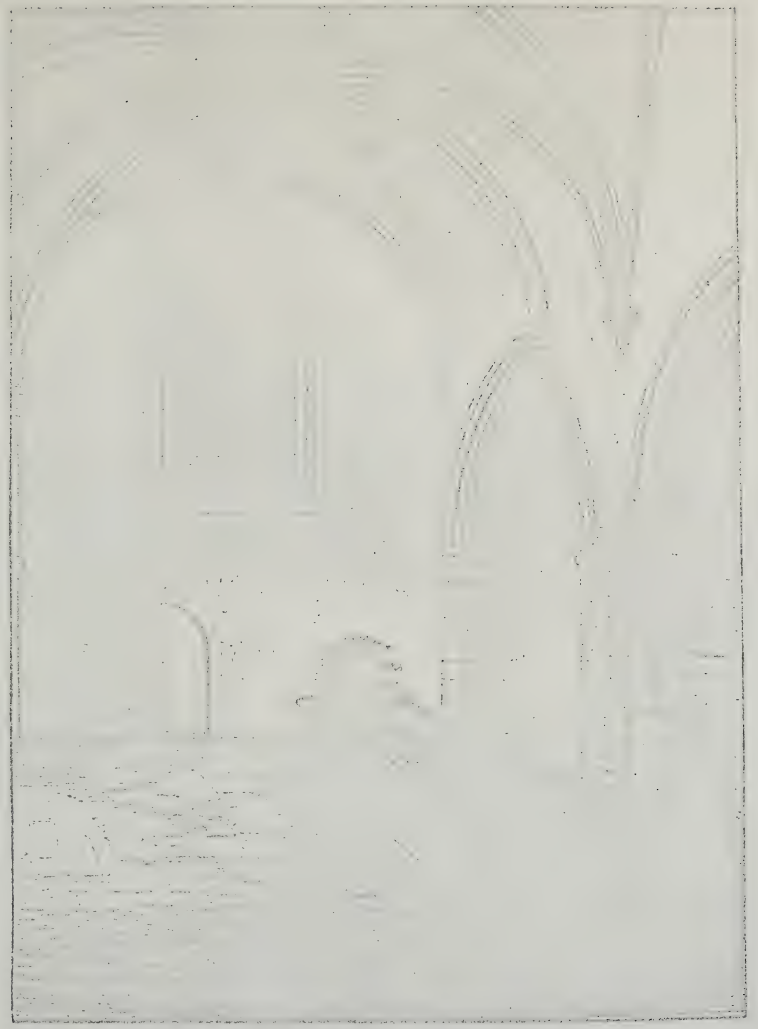
Loarn, who at this time was at the head of the Dalriadinian Scots in Scotland, was closely pressed in war by the Picts, and sent to his tribesmen in Ireland for assistance. His grandson, Fergus Mor MacEarca, went over to assist him. Fergus was a son of Leran's daughter, Earca, and of Murredach who was grandson of Niall Mor, known as Niall of the nine hostages, the one hunderd and twenty-sixth monarch of Ireland. It was in 498 that Fergus came to Scotland to the assistance of his grandfather, and he was accompanied by his two brothers, Angus and Loarn. Upon the death of his grandfather Loarn the three brothers assumed control of affairs.

Fergus became the sole monarch of the Dalriadinian Scots upon the death of Angus and Loarn. However, he did not long survive his two brothers but died in 506. An ancient Gaelic poem, or genealogical account of the Scoto-Irish kings, applies to him the ephitet ard, which means great in character or first in sovereignity. His reign lasted only three years.

"In A. D. 498 Fergus Mor MacEarca in the twentieth year of the reign of his father, Murdock, son of Eugenius or Owen, son of Niall of the nine hostages, with five more of his brothers, viz. another Fergus, two more named Loarn and two named Aongus or Aeneas with a complete army, went into Scotland to assist his grandfather who was king of Dalriada, and who was much oppressed by his enemies the Picts, who were in several battles and engagements vanquished and overcome by Fergus and his party. Whereupon on the king's death, which happened about the same time, the said Fergus was unanimously elected and chosen king as being of the royal blood by his mother; and the said Fergus was the first absolute King of Scotland of the Milesian race; so the succession continued in his blood and lineage ever since to this day." [Annals of the Four Masters.][6]

Domangart, son of Fergus, followed his father and ruled the turbulent Scots and Picts for five years, dying in 511, his life having been "full of troubles." Comgal, son of Domangart,

6. "Annals of the Irish Kings," by John O'Hart, Fifth Edition, vol. 2, p. 641.



Tomb of Margery Queen of Scotland in Paisley.

reigned for twenty-four years—some authorities say thirty-two years—and in his long period widely extended the settlements of his kingdom and consolidated his authority. It was written that "his reign passed away without reproach."

Gauran, brother of Congal and son of Domangart, succeeded in 535 in the direct line from Domangart to Kenneth McAlpin, who was the progenitor of the great royal house of Scotland. His reign of twenty-two years passed away "without reproach" until in 557 he was overpowered by Bridei, a king of the Picts. Power passed into the hands of his nephew Conal, son of Congal, who was a protector of the sainted Columba, but Conal's administration of fourteen years was unlucky and closed in 571 in civil war.

Aidan, son of Gauran, after the fall of Conal, successfully maintained his rights to the inheritance on the battlefield of Loro. In 574 he was inaugurated at Iona by Columba, and in the next quarter of a century he gained many victories over his rivals in his own family and over the Saxons and other fighting men of that period. Frequently beaten by the Saxons, he lost his sons, Arthur, Eocha-fin, and Domangart in battle, and in his defeat by the Northumbrians under Aethelfred at the battle of Dawstane in 603 the Dalriadini were then so completely overcome that for many generations thereafter they did not attempt to extend their territory far to the south. Aidan was the greatest of the Dalriadinian monarchs and was called "the king of the noble portion." He died quietly at Kintyre, at the age of eighty, in 605.

Eocha bui, the yellow haired, son of Aidan, ruled sixteen years, 605-21, but his reign closed under a cloud of foreign and civil war. He and his sons won many victories over their neighbors, but when he died, in 621, he left his people in the midst of troubles.

Kenneth-cear, the awkward, son of Eocha Bui, "ruled happily" during three months, said the Gaelic bard, but he was slain in the battle of Fedharvin in 621 fighting the Irish chief-

tain Cruithne. Following the death of Kenneth the kingdom was controlled by Ferchar, of the Loarn line of kings, for sixteen years.

Donal-breac, the freckled, a son of Eocha Bui, in 637, upon the death of Ferchar, obtained the sceptre that had fallen from the hands of his brother, Kenneth-Cear. He was a man of strong character, vehement and impetuous. Early in his reign he invaded Ireland to attack King Domnal II., and there he was overwhelmingly defeated on the plain of Moyrath in 637. Again in the following year he was beaten by the Picts in the battle of Glenmoreson and, invading the Clyde in 642, he was slain at Straith-Cairmaic by Hoan, one of the reguli of Strathcluyd. During the next sixty years the sceptre was in the hands of the Loarn and the Comgal descendants of Erc, and the record of those years is a record of family feuds.

Domangart, son of Donal-Breac, was not able to succeed his father for he was assassinated in 672. Then it was not until Ferchar-Fada, the tall, of the family of Loarn, died in 702, after a bloody reign of twenty-one years, that the house of Gauran again acquired power.

Eocha-Rineval, son of Domangart and grandson of Donal-Breac, rose to the control of affairs but he had a reign that was short, troublous, and inglorious. In 705 he was compelled to give way to Ainbhcealach, the power again passing to a rival branch of the family.

Eocha III., son of Eocha-Rineval asserted his rights to the succession in 720, and finally in 729 was able to overthrow all his rivals, the whole Scottish-Irish kingdom becoming united under him. After a reign of nine years over Kintyre and Argyle, and four years over all the Dalriadinian tribes, he died in 733. Following his death a contending faction again seized the sceptre and held it for six years.

Aodh-Fin, son of Eocha III., came to the head of the Dalriadinina tribes. He proved to be a great sovereign. During his reign the Scots gained a decided supremacy over the Picts and

their king was the hero of many adventurous exploits. After a brilliant reign of thirty years he died in 769. Fergus, son of Aodh-fin, succeeded his father, and reigned feebly three years. After him the sceptre was lost to his family for a quarter of a century.

Eocha-Annuine, another son of Aodh-fin, reestablished the line of the Gaurau branch. This Eocha IV. is the Archaius of the Latin annalists. His reign began in a period of civil war, but he held himself firmly in power and strengthened the royal position of his family. He died in 826 after a prosperous reign of thirty years. He married Urgusia, daughter of Urgusia and sister of Constantin who ruled the Picts from 791 to 821 and of Ungas who ruled the same tribes in 821-30. By this marriage he laid the foundations for the alliance of the Scots and Picts that was realized when Kenneth McAlpin, his grandson, rose to power.

Alpin, son of Eocha Annuine and Urgusia, after a three years' reign by Dungal, of the house of Loarn, took up the sceptre but did not distinguish himself. His ambitions for more extensive domains and the control of a richer people than he ruled over impelled him in 836 to lead an army into the country beyond the Clyde. He laid waste to the territory between the Ayr and the Doon but in an engagement near the site of Laicht castle he was slain.

I

Kenneth, the son of Alpin, succeeded his father in 836. He was a man of enterprise, power, and valor. To avenge the death of his father he made several invasions south of the Clyde, and in 843, after he had reigned over the Scots for seven years, he seized the ancient sceptre of the Pictish kings from Wred, and then held it. By virtue of his descent from Urgusia the Picts were willing to accept him as their sovereign and the two peoples, Scots and Picts, were united into one nation. Notwithstanding this success Kenneth held a territory that comprised only a small part of Scotland. Power over the rest of

the country was established gradually as the nation developed. After Kenneth the monarchs were called kings of Picts and then kings of Alba, and it was not until the tenth and eleventh centuries that the name of Scotland was fully adopted. The substantially complete historical account of the kings of Scotland begins with Kenneth McAlpin.

II

Constantin, son of Kenneth, did not immediately succeed his father since Donald, his uncle, came in for a weak ineffectual reign of four years. He was crowned king at Scone in 863, and at once engaged in the work of correcting the ills that his immediate predecessor had brought upon the land and in extending and strengthening the domain that had been secured by his father. Meantime the Northmen who had been settled in Ireland for nearly half a century were making predatory incursions to the shores of North Britain. Constantin was compelled to meet these invaders soon after he began to reign. For nearly a decade he combatted them successfully, but in the end he was overcome and killed on the shores of the Forth in 881. He married a daughter of a prince of Wales and by her had two sons and one daughter.

III

Donal iv., the son of Constantin, came to the throne in 893 after the intervening reigns of Aodh and Eocha. His reign was marked mostly by fighting against the Northmen who continued to ravage North of Britain wherever they could gain foothold. Donal defeated them at Collin on the Tay, near Scone, but in 904 he was killed while battling against an army of Danes led by Ivar O'Ivar. The Gaelic bard sang of him as "Domhnal Mic Constantin chain,"—"Donal, Constantin's son, the beloved," and it was said of him that he was "equally dear to the high and the low."

IV

Malcolm i., son of Donald IV., received the kingdom after Constantin III., his cousin, at the end of a forty years' reign,

LADY SARAH BOLSE AT [illegible] CASTLE

had relinquished the sceptre in 944 and retired to a monastry in his old age. Malcolm inherited a turbulent dominion but he distinguished himself by an alliance with England, securing Cumbria from King Edmund; and in later years he raided Northumberland. In an insurrection of the Moray men in 952 he slew Cellach the maormor and in the following year at Fetteressoe fell a victim to the revenge of Cellach's followers. After him three kings of another line, Indulf, Duff, and Culen ruled for a time over Scotland.

V

Kenneth III., son of Malcolm I., came to the throne of his forefathers in 970. He waged war against the Britons and ultimately gained the important object of his ambitions in annexing the kingdom of Stratchcluyd to the territories of the Scottish kings. In a decisive combat on the field of Luncarty near Perth he overthrew a great army of invading Danes and secured freedom from the forays of those foes. Involved in domestic war by an insurrection in the Merns, he was assassinated by Finella, wife of the maormor of the Merns, in revenge for the death of her son. His death occurred in 994 at the close of a long reign of twenty-four years. He left a son who came to the throne as Malcolm II., a son who was killed in 1032, and a third son Malcolm II., a son who was killed in 1032, and a third son Boidhe, who was the father of the celebrated Gruoch, Lady Macbeth.

VI

Malcolm II., son of Kenneth III., was born in or about 954. He was variously known as King of Scots, Malcolm MacCinæth, King of Alban, King of Monaidh, King of Scotia, "the most victorious king," and "a warrior fortunate, praised of bards." His reign began in 1005 after he had defeated his cousin, Kenneth III., king of Alban, in battle at Mongievaird, near the banks of the river Earn. In 1010 he achieved a victory over the Danes and as a thank-offering he founded the monastery of Marthillach or Mortlach where the battle was fought. Dur-

ing his reign the battle of Clontarf in Ireland was fought and the battle of Carham on the Tweed. In 1031 Malcolm yielded to Canute of England, becoming subject to the Saxon monarch.

He died at Glamis, November 25, 1034, at the age of eighty or more and after a reign of nearly thirty years.

Issue:

1. Bethoc or Beatrice. She married, about the year 1000, Crinan the Thane, hereditary lay abbot of Dunkeld and seneschal of the Isles. Crinan was slain in battle at Dunkeld. Eleven of the descendants of this matrimonial alliance were Kings of the Scots between 1034 and 1285.
2. Donada. She married about the year 1004, Finlace, mormaer of Moray and had Macbeth, King of Scots, 1040-57.
3. Alice or Thora, who married Sigurd, earl of Orkney, the Norwegian ancestor of the Bruces.

VII

Duncan, eldest son of Crinan and Beothoc, was born about 1031. He was known as the King of Scots, King of Alban, and Duncan the Wise, and was the gracious Duncan of Shakespeare's play, "Macbeth." He was made king of the Cumbrians before 1034, and upon the death of his maternal grandfather, Malcolm II., he succeeded him as king of Scots. His reign was short, lasting less than six years, and in military enterprises was not brilliant. He unsuccessfully besieged the city of Durham in 1040, and the same year was defeated in battle at Torfnes by his cousin Thorfinn, earl of Orkney.

He was murdered at Bothnagowan, now Pitgaveny, near Elgin, by Macbeth, August 14, 1040. Macbeth was a cousin of Duncan and a commander in his army and succeeded him on the throne.

He married a cousin of Siward, earl of Northumberland, about 1030.

Issue:

1. *Malcolm* of whom below.
2. Donald Bane who was twice King of Scots.
3. Melmare.

VIII

Malcolm III., Canmore, Great Head or Chief, son of Duncan, was born about 1031. He became the greatest of Scotland's

ancient kings and was called "a king, the best who possessed Alban." For fourteen years he lived at the court of England and received an excellent education, being accomplished in Latin and English as well as in his native Gaelic tongue. When he was about twenty-three years of age he became king of the Cumbrians after the victory of his kinsman Earl Siward over King Macbeth at Scone in July, 1054. After he had defeated and killed Macbeth in August, 1057, and Lulach, the successor of Macbeth, in the following March he became king of Scots. He was crowned at Scone, April 25, 1058.

He invaded England five times, waging war against the Normans and in support of his kinsmen, the Saxons. His first invasion was in 1061, and others followed in 1069, 1079, 1091, and 1093. After the battle of Hastings in 1066, the defeated Eadger Aethling and his sisters fled from the victorious William the Conqueror and found refuge in the court of Scotland's monarch. Scotland was frequently invaded by the Normans during his reign, and parts of Malcolm's kingdom were from time to time annexed to England. These forays back and forth were the beginning of that long and bloody struggle that lasted for centuries while the conquerors of England were endeavoring to subdue Scotland.

He was killed by Morel of Bamborough at Alnwick, in Northumberland, November 13, 1093, aged about sixty-two, after a reign of nearly thirty-six years. He was buried at Lynemouth, but afterwards reinterred at Dunfermline.

He married, first, about 1059, Ingibiorg, daughter of Earl Finn Arnason and widow of Thorfinn Sigurdson, earl of Orkney. He married, second, in 1068-9, Margaret, daughter of Edward the Outlaw, king of England. She died November 16, 1093.

Issue by wife Ingibiorg:

1. Duncan, king of Scots, Duncan II. in 1094.
2. Malcolm.
3. Donald, who died a violent death in 1085.

Issue by wife Margaret:

4. Eadward, who died from wounds received in battle at Alnwick in November, 1093.

5. Edmund. He ruled parts of Scotia, 1094-1097, became a monk, and died at Montague in Somersetshire.

6. Æthelred, Abbot of Dunkeld.

7. Edgar, King of Scots, 1097-1106.

8. Alexander, King of Scots, as Alexander I., 1106-1124.

9. *David*, King of Scots, of whom below.

10. Matilda, "the good Queen Maud." She married King Henry I. of England in May, 1100 and died May 1, 1118.

11. Mary. She married Eustace, Count de Boulogne in 1102 and died May 31, 1116.

IX

David, the ninth and youngest son of Malcolm and Margaret preceding, was born about 1080. His youth was spent at the court of King Henry I. of England, his brother-in-law. On the death of his brother, King Alexander I., he ascended the throne of Scotland as David I., in April, 1124. His reign, which lasted twenty-nine years, was eventful. Cumbria and Lothian were reunited with Alban under his authority; his supporters were successful in the battle of Strikathro against the men of Moray in 1130; he invaded England in 1136; an army of Scots defeated the English at Clitheroe in 1138, but the king was overwhelmed by the English in the great battle of the Standard in the same year. David, who was the first feudal king of the Scots, was a man of fervent piety and devoted to his people. He was surnamed St. David and was "a pious and God-fearing man." Much of his time and means was given to the upbuilding of the church and church establishments. He founded monasteries at Selkirk and Jedburgh, and established or reconstituted six bishoprics and ten abbeys.

He died at Carlisle, May 24, 1153, and was buried under the pavement before the high alter in the church of the Holy Trinity, at Dunfermline.

He married, about 1113, Matilda, daughter and heiress of Waltheof, earl of Huntingdon, granddaughter of Siward, Earl of Northumberland, and widow of Simon de St. Luz. She died between April 23, 1130 and April 22, 1131, and was buried at Scone.

Issue:

1. Malcolm, who was strangled when a child by Donald Bane, ex-king of Scots.
2. Claricia, who died unmarried.
3. Hodierna, who died unmarried.
4. *Henry* of whom below.

X

HENRY, younger son of David and Matilda of Huntingdon, did not live to mount the throne, dying before his father, June 12, 1152. He succeeded to the earldoms of Northumberland and Huntingdon.

He married in 1139 Ada de Warenne, daughter of William, earl of Warenne. She died in 1178.

Issue:

1. Malcolm, who was born March 20, 1141-42. From his youthful and feminine appearance he was called "the maiden." He succeeded his grandfather and was king of Scots, 1153-65, as Malcolm IV. He died unmarried December 9, 1165.
2. William, who was born in 1143. He was the famous King of Scots, known as "William the Lion" and was a worthy successor of his great ancestor Malcolm Canmore. His reign extended from the death of his brother Malcolm IV. to December 4, 1214, a period of forty-nine years. He died December 4, 1214. He married in 1186, Ermengarde, daughter of Richard vicecomes de Bellomonte; his son Alexander II. succeeded him on the throne.
3. *David* of whom below.
4. Ada, who married Florence III., Count of Holland in 1161.
5. Margaret, who married, first, in 1160 Conan IV., Duke de Bretagne, Earl of Richmond; second, Humphrey de Bohun, Earl of Hereford.
6. Matilda, who died in childhood in 1152.

XI

DAVID, the third son of Henry and Ada de Warenne, was born about 1144 and succeeded to the title of earl of Huntingdon. He founded the abbey of Lundors, now Lindores, near Fife.

He died at Jerdelay, June 17, 1219, and was buried in the abbey of Saltire in Huntingdonshire.

He married in 1190, Maud, daughter of the earl of Chester.

Issue:

1. Robert, who died young.
2. Henry, who died unmarried.

3. John le Scot Earl of Chester and Earl of Huntingdon. He died without issue.

4. Margaret, who married Alan, lord of Galloway, in 1209. Her daughter Dervorgilla married John Balliol; their son John Balliol was the successful competitor for the throne of Scotland in 1291, and their son-in-law, John Comyn senior, was also competitor and father of the John Comyn whom Robert Bruce killed in 1305.

5. Isabella, who married ROBERT BRUCE OF ANNADALE.

(To be Continued)

RAIT CASTLE

VIEW FROM THE NORTH-EAST

THE TRADITION OF HVITRAMANNA-LAND

BY L. D. CISCO

II

CERTAIN arguments of a more fallacious kind have been based upon various features of the aboriginal culture in America. The advancement of the Indians seen by De Soto early in the sixteenth century has been cited as an evidence of pre-Columbian European contact.[34] The appearance of the Latin cross among ancient Mexican symbols has also been brought forward as of the same effect.[35] Even the brief allusions to aboriginal ways recorded in the Erik Saga have been quoted to that end.[36] Nevertheless no one of the arguments thus offered raises a point that demands the assumption of European contact for adequate explanation, and still less does it demand any special belief in Keltic relations. Better than either Indian legends or cultural coincidences as corroborative evidence of the supposed voyages would be the existence of surviving fragments of Erse among the Indian dialects, and better yet would be the mute testimony of monuments or small objects bearing traces of Irish origin. Thus far, however, no one has found—even in the Shawnee tongue—any gaelic declensions to hint at linguistic survivals, and the search for archæological proofs has been hardly less futile. Among the wealth of aboriginal relics one object only has been offered as showing Keltic traces, namely, the Grave Creek mound stone, found near Moundsville, West Virginia, in 1838 and bearing marks thought by some to resemble and perhaps to be in fact a Keltic inscription. Schoolcraft was disposed to connect the stone with the supposed voyage of the Welsh prince Madoc to America,[37] while

34. De Roo, vol. 2, pp. 95-96.
35. Kingsborough, "Antiquities of Mexico," vol. 6, p 190, and De Roo, vol. 2, pp. 101, 108-110.
36. De Roo, vol. 2, pp. 92, 95.
37. Schoolcraft, "Information," vol. 1, pp. 120-124, 1853.

De Roo sees in it an evidence of Irish voyages.[38] The Bureau of American Ethnology, more skeptical, denies that the stone has an alphabetical character, and classes it with spurious antiquities.[39] There are no relics other than this to support the theory of Irish voyages. Particularly may it be said that no one has found steel weapons, articles of Christian worship, bones and trappings of horses, or remains of sea-going ships that can be assigned to pre-Columbian times, although the Icelandic texts show that all these were used in the regions where Ari and Bjorn took refuge.

With American archæology thus unresponsive to the quest for tangible evidence the searcher for proofs must turn to the Irish sources. Ireland has numerous annals that cover the period when the colonization of America is supposed to have occurred, besides a wealth of literature of a legendary sort. But nowhere in this mass of writing has there been found a single reference to transatlantic colonies or to voyages that can be recognized as transatlantic. There seems to be but one statement that can be quoted as even favoring the theory of Irish visits to the New World, and this one, which unaccountably has been overlooked by those to whom it would be most welcome, is sufficiently vague to discourage the use of it by conservative writers. "Maenach, a Cele De, came across the sea from the west to make the laws of Erin" is the information given by an old chronicle among events of the year 920.[40] The value of this entry is vitiated somewhat by the fact that another chronicle declares Maenach to have come "across the sea westwards,"[41] a version which rules out all inference relating to America. This unique hint of land to the west must be put aside as valueless in its loneliness, and with the failure of Irish literature to support the theory of Irish voyages there departs the hope of any proofs outside of the Icelandic texts. Thrown back upon these the task which presents itself is that of testing the statements of the texts by the ordinary rules of historical interpretation, and following where they may seem to lead.

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38. De Roo, vol. 2, p. 94.
39. Bureau of American Ethnology, Fourth Annual Report, p. 250, 1886. Tenth Annual Report, p. 761, 1893.
40. Hennessy, "Chronicum Scotorum," p. 193.
41. O'Clery, "Annals of the Four Masters," vol. 2, p. 605.

The first step toward any interpretation of the Icelandic texts is a recognition of two elements in their material. One element consists of information reported by various Icelanders who shared in certain voyages. Some of this matter is avowedly second-hand information brought from other ports, and there are noticeable gaps in the continuity, but nevertheless the narratives are straightforward, devoid of romantic touches, and seemingly reliable on the score of veracity. The second element of the texts is in the nature of a gloss upon the stories of the sailors. It consists of opinions added by the editors of the tales with the purpose of explaining the geographic identity of those regions referred to in the seamen's reports. It is in these editorial comments that the direct references to Hvittramanna-land occur, and it is evident that the commentators had no definite knowledge on the subject of which they spoke. To properly gauge the historical value of the Icelandic texts these two elements must be dissociated. Some writers, facing the difficulty of accepting the theory of Irish voyages, have been inclined to dismiss as echoes of legend the entire texts on which the theory is based, but such an attitude is untenable. The literary compilations which contain the texts are recognized historical sources. This being so the excerpts here considered must be given the credence which attaches to any narrative offered by good authority, and so much of it as is probable and uncontradicted must be accepted. Of the two elements that enter into the excerpts it is evident that the incidents of voyages cannot be thrown aside. The value of the editorial comments is less certain.

The voyages of Bjorn Asbrandssen and Gudleif Gudlaugssen form a single narrative with no specific reference to Hvittramanna-land, or any editorial comment on geographic points. Of Bjorn's voyage nothing is told except that he sailed from Iceland with a northeast wind. Of Gudleif's voyage more detail is given. He went from Iceland to Dublin, and from thence sailed homeward late in the summer, evidently passing out through the North Channel with the Irish coast at his left, and turning northerly on the home route. Here the storm seized him and drove the vessel helplessly far southwest (*rak tha langt*

vestr i haf ok in utsudhr), but eventually the party became aware of land and reached a harbor. Later they departed from this haven of refuge and in the autumn made Ireland (*toku Irland*), reaching Dublin again and staying there through the winter. Of the route by which they reached the latter port nothing is hinted. Obviously the time and distance values in this narration are so indefinite as to stand for almost anything in the way of a storm drift such as is described. Those who see in it a transatlantic voyage are able to believe that the Norse bark was carried continuously and without material damage a distance of 4,100 miles to the Carolina coast of America, and that the path was retraced with equal ease and directness. The alternative to this belief is a much shorter drift and, since the natural impulse of the Icelanders would be to turn their prow eastward toward the coast they had left, when freed by the storm, a subsequent recourse to some harbor of the Old World.

In the reference to the return voyage perhaps may be seen also an implication that their harbor lay near enough to Dublin to permit the laying out of a prearranged course to the latter port as the nearest place of safety. The alternative of a landfall in the Old World rather than in the New is given strength by the story of the Icelanders' experience on their unknown coast, for the description that it affords relates with peculiar aptness to the conditions that existed in Western Ireland at this period, while it cannot relate to America without supposing a transplanted community whose existence is hypothetical. The people of Ireland had speech that would be recognizable by Icelanders as Irish; they were acquainted with the use of horses, banners, swords, and rings; they knew the custom of human bondage; and some of them could have had Norse leaders. All these conditions are required by the saga text. The last-named feature may seem unusual, but Norwegian colonies had existed in Western Ireland since about 830 and the Irish annals show that more or less affiliation of Norse and Irish elements existed in the tenth century. Here could the Norse Bjorn naturally reach such preferment as the saga describes. The reception of the Icelanders by the Irish seems in keeping with Irish ways and is not unlike the reception of Olaf Pa about this time as narrated

in the Laxdaela Saga.[42] Thus the details of the Saga tale may be located accurately enough on the Irish coast without violating the text requirements. Careful scanning of the text reveals in fact but one tangible hint upholding the thought of a transatlantic voyage. The statement that the Icelanders "made Ireland" may imply a journey from some region geographically separate, and must be given whatever weight it may deserve. Considering that such interpretation requires the acceptance of various improbabilities annexed to it the point seems clear enough that the most reasonable explanation of the saga tale is to suppose that Bjorn and Gudleif met in some part of Western Ireland. This view of course removes another prop from the theory of Irish colonies in America.

The voyage of Ari Marssen and the subsequent reports about him that were brought to Iceland by other voyagers form a second narrative quoted to uphold the idea of Irish colonies in America. In this instance the text embraces, besides the direct statements about Ari, an explanation of them which locates Ari's abiding place explicitly and identifies it with Hvittramanna-land. Unfortunately for the modern reader the geography of the comment is impossible and merely beclouds the subject. If this part of the text be set aside the sailors' reports remain, yielding the information that Ari lived in a Christian community so situated that news from it could—and sometimes did—reach the Norse settlements of Limerick and the Orkneys. In this community the former Icelander, now a baptized convert from paganism, was held in honor but not allowed to depart. Thus dissociated from editorial comment there is nothing to imply an American home for Ari or any transatlantic voyage on his part. As in the case of Bjorn Asbrandssen the Norse-Irish districts of Western Ireland fulfill all the requirements of the text.

During the ninth and tenth centuries the Norwegian town of Limerick was capital of a little Norse kingdom exercising a loose lordship over the Irish tribes of the Shannon basin and parts of Munster. At about the time that Ari Marssen left Iceland the tribesmen threw off the rule of Limerick and the

42. Viking Club, "Saga-Book," vol. 3, pp. 246-247.

Norse kingship terminated. Nevertheless the Norse population remained in the region on more or less amicable terms with the Irish, acknowledging the rule and adopting the Christianity of the latter.[43] That Hrafn the sailor, while visiting the Norsemen of Limerick should hear of Ari as living with some neighboring Irish tribe, and that other seamen should also report Ari's situation in gossip at the Orkneys is reasonable enough, and quite consonant with geography and recorded history. Nevertheless such explanation is contradicted by the geographic comment of the text writer and must be thrown aside if that comment may seem more applicable to some region other than Western Ireland. Until then it may stand as the nearest and most reasonable explanation of the texts. This provisional solution of the meaning brings forward the question of the real significance of the Icelandic belief in a region called by them Hvittramanna-land.

The original references make fairly clear the geographic conception of the Icelandic text-writers on this point. They deemed it to be a region lying westward from Europe in the Atlantic (*ligger vestr i haf*), and very close to those other western regions visited by Leif Erikssen and Thorfinn Karlsefni. They are vague, however, as to its precise position relative to the latter. The Erik Saga scribe thinks it lay "on the other side, over against" (*oedhrum megin gagnvart*) Markland. The writer of Ms 770c describes it as next to Wineland "and somewhat to the back" (*ok nokkut til baka*) of it. The first writer seems to mean a location adjacent to Markland but separated from it by water, while the second probably intends to picture a situation more to the southward than Wineland, so that it is to the back

The advocates of the Irish voyages have preferred to interpret these passages as indicating regions lying west or southwest of Newfoundland or Nova Scotia, thus making the implications of the texts conform to the outlines of the modern map. A conception agreeing better with the exact letter of the texts, however, would be that of an insular area lying easterly from the North American coast in about the latitude of Newfound-

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43. Worsae, "Account of the Danes in England, Scotland and Ireland."

land.[44] The interpretation is not important in either case, for there is room for argument in either direction. The apparent reference to an island in the sea makes it necessary, however, to inquire if perchance the unknown region was after all only a fabulous conception like the oceanic isles described in Irish and Spanish legends. The idea seems hardly acceptable. There is nothing of the mysterious or marvelous related in connection with the region, but every assertion speaks rather of prosaic geographical reality. The text-makers populate the country with ordinary human beings, who possess the Christian faith, and hold communication in the ordinary way with European people. If ever the existence of Hvittramanna-land was connected with fable there is no trace of the fact in the existing texts. Despite the apparent belief that it lay out upon the Atlantic there yet seems no reason to assume it to be a phantasm. Implications tend rather to show some original identity with part of the Old or of the New World. The alleged nearness to Wineland would indicate a New World situation, while the shortness of the distance between it and Ireland would point toward the Old World. The problem here is to decide between the two.

If aught were known of the time or circumstances when the legend of Hvittramanna-land originated something would be gained in the direction of knowing the location of the region. The language of the text-writers is not illuminative on this point; it only indicates by its vagueness some remoteness of time or place for the beginning of the tale that preserved the memory. Two names are applied to the country by the men who wrote of it. Hvittramanna-land is the preferred one, but Irland-et-Mikla, which means Ireland the Great, is also used. The latter term holds some suggestion of its origin. Hibernia was the name applied to Ireland by the mediaeval writers of most of Europe; Eriu was the name used by the native Irish for their country; and Ir-land was the phrase used by Old English and Old Norse men. Besides Eriu many less familiar terms are used in old Irish writings to designate that country, but nowhere is there given any term equivalent to Ireland the Great.

44. Storm, "Vinlandsreiserne," p. 67.

That phrase is certainly Norse or Danish in form, and it seems a fair assumption that it was Norse or Danish in origin. Conjecture might go even farther and suggest that the absence of the phrase from Norwegian literature and its presence among Iceland, Orkney, and Limerick men indicates an origin in the western colonies of the Norse or Danish peoples. Be this as it may the assumption of an origin in Scandinavian speech has a bearing upon the geographic location of the country. The phrase Ireland the Great seems at first glance to hold a very distinct implication, namely, that it belongs to a region possessing some characteristics in common with Ireland proper, and also having some form of greatness that contrasts it with Ireland proper. Prof. Storm adopts this view and seeks to conform probabilities to it by supposing that Ireland the Great was identical with Iceland, although the latter island is not enough greater in area than Ireland to make any striking contrast. This view of course makes the Icelandic text writer's comments on the tale of Ari Marssen an absurdity. If the Scandinavian origin of the phrase be accepted it makes identification with Iceland improbable but at the same time suggests a view more in harmony with the saga tales, by which it is not necessary to suppose a duality of Irelands in former days. Just as Wineland the Good bore alone a phrase of Norse origin which did not require the co-existence of a Wineland the Bad, so may Ireland the Great have been alone in bearing a name attached to it by Norsemen, being in fact the same country which is known as Ireland at the present day. The reiteration in Norse texts of the descriptive phrase "Ireland is a great isle" (*Irland es ey mikil*),[45] and the adoption of the phrase by Edrisi, seems certainly to indicate that greatness in size was a special feature of Ireland in the thought of mediaeval geographers.

The phrase of Hvittramanna-land, meaning White Man's Land, is less easily turned to any interpretation that carries enlightenment. Its form suggests a possible Norse or Danish origin, but thus far no occurence in Norse writings outside of the passages hitherto cited has been reported. In Irish literature the term appears in the story of the Children of the King

of Norway. This is a sea-tale which seems so unlike the customary Irish style as to warrant a supposition of Norse origin, but its editor forbears to trace it earlier than the fourteenth century.[46]

For this latter reason and also because the White Men's Land (*thire na bhfear bhfann*) of the story has no recognizable geographic setting it seems idle to connect the name in the Irish tale with that in the Icelandic texts. Another line of interpretation is suggested by the text of Ms 770c which uses the name "Albania" as an alternative of Hvittramanna-land, thus hinting at Scotland as the original region to which the term was applied. The probability here, however, is that the term is a latinization of the accompanying phrase rather than a distinct term and Scotland may be stricken from the probabilities.

If the name Hvittramanna-land has an origin founded at all upon real fact it would seem that the only safe line of inference must take account of clothing or complexion. Beauvois thought to connect the white-robed culdees of the Orkneys with the white-robed persons mentioned in the Erik Saga and assume an identity,[47] but his chain of argument has too many weak links to be taken seriously. Probably the only ethnologic groups which could have been as a whole notable for using white garments at that time were the skin-clad tribes of Arctic regions, and these seem out of the question in this relation.

A more usual line of interpretation is based upon the idea that the term indicates some characteristic of complexion belonging to the people of the original Hvittramanna-land. There is a field for discriminating conjecture in this direction. For modern times the use of the term "white men" in a specific sense is familiar; for mediaeval times it is not so. There is, nevertheless, one notable instance of a kindred phrase and this instance, curiously, carries back to that same region of Western Ireland toward which other hints in the legend point. During the ninth century, when the earlier bands of Northern sea-rovers were hurling themselves upon the Irish coast the native

45. "Grönlands Historiske Mindesmærker," vol. 3, p. 216.
46. Irish Text Socy, vol. 1, Douglas Hyde, editor, p. xiv.
47. "Cong. Inter. Amer. Compte Rendu, prem. sess.," pt. 2, pp. 70, 86.

annalists distinguished the invaders as of two sorts, the fair men and the dark men.[48] Historians assert that the fair men were the Norwegians whose center was Limerick, and that the dark men were the Danes whose centers were Dublin and Waterford.[49] This fact furnishes an interpretation of the Icelanders' phrase which seems promising, the more so as it offers a meaning coincident with that suggested for the companion phrase Irland-et-Mikla. It must be assumed, of course, that the term "white men" here was borrowed originally from Irish sources, although the phrase Hvittramanna-land as a whole is Scandinavian in form and has no exact equivalent in the Irish texts. The form of the phrase suggests that a vague knowledge of these particular white men came into Icelandic tradition not directly from the Irish but indirectly through some of the Norse colonies in Scotland or Eastern Ireland, with whom the Icelanders had communication.

It may be said, therefore, in summing up the matter, that the internal evidence of the Hvittramanna-land legend points positively toward identification with some part of Western Ireland. With that region Icelanders had almost no communication, although the colonists were of their own Norse race. The legend is plainly based upon conceptions adopted by Icelandic gossip long before the time of Ari Frode, the saga-writer. It must be supposed that hearsay knowledge of conditions in Western Ireland became distorted in Icelandic mouths and it was believed that somewhere in the western sea lay a duplicate Ireland, holding communication and ethnologic identity with the real Ireland. No other interpretation of the legend fits with the text, and certainly not one which supposes a populous, civilized, transatlantic colony that has left no recognizable trace either in the land where it existed or in the land from which it drew its people. Witness the silence of the conservative historians who have considered the latter theory.

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48. Finghoill and dubhghoill, "Annals of the Four Masters," vol 1, p. 481; fionn lochlannoch and dubh lochlannoch, "Annals Loch Cé," p. 5; finn-ghenti and dubh-ghenti, "Chronicum Scotorum," p. 151; duibgeinti danarda and find genti, "Wars Gaedhil with Gaill," p. 19.

49. O'Donovan, "Annals of the Four Masters," vol. 1, p. 482, footnote.

A DARK PERIOD OF OUR CIVIL WAR AND A NOTABLE SPEECH OF THAT TIME

BY DUANE MOWRY

IT is not generally known that the late ex-Senator James R. Doolittle, for twelve years—from 1857 to 1869—a senator from Wisconsin, had it in mind to write something of the political history of this country covered by his own active and aggressive public life. He had seriously entered upon the preparation of considerable manuscript at the time of his death. The fact that he was a poor man, in so far as this world's goods are concerned, was undoubtedly, the principal reason that prevented him from carrying out his original purpose. He could not afford wholly to surrender the time necessary to prepare this history and neglect the duty of bread-winning which his straitened financial circumstances demanded. Nevertheless, such a book was near and dear to his heart. And it would have been a source of keen satisfaction if he could have submitted such a volume to the American people.

Among the manuscripts prepared by Judge Doolittle for such a history of his time, the following will have a peculiar interest for the student of the time included in the war of the rebellion. The original matter is in the writer's possession and has never been published.

"The darkest and gloomiest period of our civil war was when the thirty-seventh congress adjourned in March, 1863. It was after the Peninsular Campaign of 1862 under General McClellan had failed; that campaign resulted not in capturing Richmond, as was hoped and expected; but, after many battles and great sacrifices, it resulted in a retreat to Harrison's Landing for protection by our gunboats. 'It was from there, after this retreat, that McClellan, July 3rd, 1862, telegraphed to the secretary of war, the saddest news that ever came to Washington:

'To accomplish the great task of capturing Richmond and putting an end to this rebellion, re-inforcements should be sent to me rather much over than less than 100,000 men.'

"Pope's Virginia Campaign and the defeat at the Second Bull Run soon followed; that was equally depressing. Not long after came the dreadful slaughter and repulse of the army of the Potomac, under Burnside at Fredericksburg in December, 1862. These misfortunes, we might rather say, these great disasters, were followed, in February, 1863, by a number of bold and successful raids by the rebel cavalry across the Rappahannock and Potomac, not very far from Washington; one, December 25th, by J. E. B. Stuart, across the Rappahannock, capturing 26 wagons and 200 prisoners, and burning some railroad bridges; another, by Imboden's troopers, February 16th, 1863, surprising a supply train, capturing 76 men, 27 wagons and a hundred horses; a third, by Fitz Hugh Lee, February 25th, 1863, surprising a camp, capturing 150 prisoners; and a fourth, February 26th, 1863, by General W. E. Jones, more daring still, routing two regiments and capturing many prisoners.

"The news of this last raid was received at Washington just before the day of adjournment. It produced great excitement in Washington; in the senate chamber—almost a panic. A resolution requesting the president to appoint a day of prayer and humiliation was unanimously adopted, while senators in private conversation, gave way, almost to despair; some of them wringing their hands, saying: 'All is lost,' and at the same time complaining most bitterly of the president and of all the Generals who had been in command of the army of the Potomac.

"It was this gloomy state of things—this panic—which prompted—or rather inspired the following extemporaneous speech from Senator Doolittle of Wisconsin. It came as an outburst of the soul. It shows that a belief that the United States of America is God's Republic, is no new belief with him; that belief sustained and cheered him there, in that hour which sorely tried the souls of men. We wish every thoughtful young man and young woman in the United States might read that speech.

It is found in volume 62 of the Congressional Globe, part II and appendix, pp. 1530-31.

" 'In Senate, March 3, 1863. Half past eleven o'clock. Mr. Doolittle said:

" 'Mr. President: The last hour of the session is passing away. There can be no more practical legislation. I would not spend this last hour in crimination and re-crimination. Rather let us for a single moment look back on the session about to close,—the most laborious, the most momentous in our whole history.

" 'Sir, the Congress which is now expiring, will live forever in that history. It has passed more laws, it has passed more important measures than any other since the Government began, —important from every point of view, for their magnitude, and for the great principles which are involved in those measures. Look at the financial measures brought forward and passed; involving more than a thousand million dollars; at the great currency measure which has passed at this session of Congress; which is to give us a national currency, based not upon monopoly, but upon free banking; at the great military measures, necessary to command our whole force on land and on sea, to put down this rebellion; at the organization of our national armies; at the organization of our national navy; those great and gigantic measures worthy of what we are, and are to be, by which we are about to demonstrate to the world that this nation still lives—aye, sir, more, that this nation not only lives, but is to become, if it is not already, on sea and land, the greatest military power of the earth.

" 'Other measures, unsuited to times of peace, of great importance, have been enacted. We have been called upon, in this time of civil war, to authorize the president to issue letters of marque and reprisal; and to declare by the almost unanimous voice of both houses of congress that any further efforts by France or England, or any other foreign power, to intervene or attempt to mediate in our affairs with a view to recognize the independent and separate existence of the southern rebellious confederacy, based as it is upon slavery as its chief corner stone, will be regarded as an unfriendly act toward this gov-

ernment, and at war with the fundamental principles of Christian civilization throughout the world. Should the European nations disregard our declaration thus solemnly made, God only knows what consequences may follow. We know we are right, and upon them will rest all the consequences.

" 'Besides these measures, one half of which I have not mentioned, so great and important, see what is going on here at home. While this war is raging; while the leaders of this unholy rebellion against every law, human and divine, are endeavoring to sever the cotton states from this Union, we have just passed through this body,—this last night of the session,—bills to admit two new states into this glorious sisterhood of states; two new states, soon to equal California in their mineral wealth and resources; two great states—golden states—on the great highway from the Atlantic to the Pacific,—on the line of the railroad (another great measure of the present congress), states which, as they become developed, are to bind in eternal embrace the East and the West, and make the union between our Atlantic and Pacific empire perpetual.

" 'Sir, I would not detain the senate, but I cannot forbear to allude to one or two topics more before I close. Look for a moment at the glorious free states of this Union. What a spectacle do they present to the civilized world! At this very hour, when we are in the midst of a gigantic war, our ships, laden with the voluntary contributions of the American people, are crossing the ocean three thousand miles to feed the starving children of the old world; speaking to them as we can, as no other nation on the earth can speak: 'We have bread enough and to spare; land enough and to spare; come and enjoy them almost without money and without price. If too poor to come, we will send the bread to feed you.'

" 'In spite of rebellion at home; in spite of threatened intervention from abroad; we will be true to ourselves, true to humanity, true to the great principle which is the foundation stone of our Republic—Liberty, Equality and Fraternity. How should the people of the free states bless God, the Almighty, that in his mercy thus far, in the midst of this gigantic war, not one foot of their soil has been reddened with the blood of

this conflict. It has been confined to the insurrectionary districts; and the man or the men in those free states who sympathize with this rebellion, and who would transfer its bloody and devastating work to their hitherto peaceful and prosperous fields and cities and towns, should meet the indignant frowns of every man, woman and child. Ay, sir, justice should lash him with a whip of scorpions naked from the face of civilized man. But, sir, these sympathizers are already alarmed. They begin to go back to their hiding places. The day of judgment and of final retribution for them is at hand. They will call on the rocks and the mountains to cover them. We are to crush and put down this rebellion and all its aiders, abettors and sympathizers. This nation is to stand before the world, greater, more powerful, and more glorious than it has ever yet been, or than has ever entered into the imagination of man to conceive.

" 'Mr. President, it is in the utterance of sentiments like these that I would have this congress expire. I would have the last work spoken here, in the American senate, declare the unalterable purpose of the American people to be, to crush out this wicked rebellion. So far from giving over this controversy, in which we are now engaged, let that last word say to the world; —to traitors at home, and to those who would intervene from abroad: 'We have just begun to fight; we are just bending ourselves to give our whole energies to the contest; we will fight it through; we will never surrender our sovereignty to our territories on the Gulf.'

" 'We bought Florida on purpose to get rid of a foreign power holding jurisdiction on the north side of the gulf; we bought Louisiana to hold the mouth of the Mississippi, upon grounds of the highest political necessity; and, in the name of the great North-West, I say, that they will hold the mouth of the Mississippi river, though they reduce Louisiana to what it was when we took it, a territory of swamps and crocodiles. They will never surrender it to any foreign power. Let us say to England and France, and to the whole civilized world, that to talk to us about our admitting the independence of another power holding the mouth of the Mississippi and our coast upon the Gulf of Mexico, is to talk of war with the United States.

Sir, it is necessary to our national life; every day and every hour but strengthen the conviction that we must hold it, though it shall involve foreign war; though it should bring the upheaving of the world. We shall never surrender our power there. We shall never give over the controversy. If this generation fail, our children after us will continue the struggle.

"'I hope the senate will pardon me for giving utterance to such strong language. My feelings would not allow me to say less. Sir, I admit that sometimes the clouds hang over us with thick darkness; sometimes the light is almost obscured; yet, I have been blessed with that abiding faith, which, in the darkest hour, feels no doubt of our ultimate success. Our cause is the cause of humanity, the cause of constitutional liberty, for ourselves and for all mankind. There have been times, it is true, when the public mind has been oppressed with gloom; sometimes with apprehension; but beyond these clouds and through that gloom, I believe we can see the dawning light of the coming day. Sir, it is a part of my religious conviction, and I do not hesitate to declare even here, that this Republic, the United States of America, is that political power upon earth which the prophets have foretold, for which the good men of all ages have longed and prayed; and for whose success and duration, Heaven, with all its omnipotence, stands pledged. Sir, I believe that truth and justice, that liberty and law will triumph, and that the day of that triumph is drawing near.'

"In just four months after the delivery of the foregoing speech, came the great victory of Gettysburg, and the surrender of Vicksburg—the beginning of the end of the Rebellion.

"In another most trying emergency, the same abiding and unwavering faith in God showed itself. In 1864, when many leading Republicans were using all their power and influence to get Lincoln to withdraw in favor of some other candidate, Mr. Doolittle gave utterance to these words at a memorable speech at Springfield:. 'Fellow Citizens:—I believe in God, the Almighty; under Him, I believe in Abraham Lincoln.'

"This speech of thirteen words was received with such cheers and demonstrations by nearly 20,000 men that for a long time,

for the space of nearly half an hour, it was not possible for him to speak another word."

This speech of Senator Doolittle at the hour of closing of the thirty-seventh congress had a wonderful effect in the North. It inspired hope among the loyal citizens of the country. It gave renewed vigor to the dormant activities of many of the slumbering soldiers at the front. It aided President Lincoln in the prosecution of the work of the war. Judge Doolittle at once took a prominent place in the confidential councils of the nation. His absolute sincerity and honesty of purpose, shown by this short speech, was the talk of the country. The Honorable Thomas Ewing, his intimate friend and trusted advisor, assured him "that this was a very noble speech," certainly an opinion he need not be ashamed of. The speech was, indeed, most opportune.

It was not possible for Judge Doolittle to take neutral ground upon any important public question, or with relation to any prominent public man. So it was quite natural for him to declare for Abraham Lincoln for re-election for president. He could not do otherwise. He believed in him and believed that he was the man for the existing conditions in the country. He was prompt in so announcing his convictions. He was, indeed, a truly great public man, although often maligned and misrepresented. His fame, however, is safe.

JOHN ADAMS ON JOHN HANCOCK

[*From a Letter of John Adams to William Tudor, dated Quincy, Mass., June* 1, 1817.)

YOU "never profoundly admired Mr. Hancock. He had vanity and caprice." I can say, with truth, that I profoundly admired him, and more profoundly loved him. If he had vanity and caprice, so had I. And if his vanity and caprice made me some times sputter, as you know they often did, mine, I well know, had often a similar effect upon him. But these little flickerings of little passions determine nothing concerning essential characters. I knew Mr. Hancock from his cradle to his grave. He was radically generous and benevolent. He was born in this town, half way between this house and our congregational temple, son of a clergyman of this parish, and grandson of a clergyman of Lexington, both of excellent characters. We were at the same school together, as soon as we were out of petticoats. His father died when he was very young. His uncle, the most opulent merchant in Boston, who had no children, adopted him, placed him in Mr. Lovell's school, educated him at Harvard college, and then took him into his store.

And what a school was this! Four large ships constantly plying between Boston and London, and other business in proportion. This was in 1755. He became an example to all the young men of the town. Wholly devoted to business, he was as regular and punctual at his store as the sun in his course. His uncle sent him to London, from whence, after a residence of about a year, he returned to his store, with the same habits of business, unaltered in manners or deportment, and pursued his employments with the same punctuality and assiduity, till the death of his uncle, who left him his business, his credit, and his fortu[illegible] who did more—he left him the protector of his widow. This lady, though her husband left her a handsome in-

dependence, would have sunk into oblivion, like so many other most excellent widows, had not the public attention been fastened upon her by the fame of her nephew. Never was a nephew to an aunt more affectionate, dutiful and respectful. No alteration appeared in Mr. Hancock, either from his travels in England, or from his accession to the fortune of his uncle. The same steady, regular, punctual, industrious, indefatigable man of business; and, to complete his character with the ladies, always genteelly dressed, according to the fashion of those days.

What shall I say of his fortune, his ships? His commerce was a great one. Your honored father told me, at that time, that not less than a thousand families were, every day in the year, dependent on Mr. Hancock for their daily bread. Consider his real estate in Boston, in the country, in Connecticut, and the rest of New England. Had Mr. Hancock fallen asleep to this day, he would now awake one of the richest men. Had he persevered in business as a private merchant, he might have erected a house of Medicis. Providence, however, did not intend or permit, in this instance, such a calamity to mankind. Mr. Hancock was the delight of the eyes of the whole town. There can be no doubt that he might have had his choice, and he had his choice of a companion; and that choice was very natural, a granddaughter of the great patron and most revered friend of his father. Beauty, politeness, and every domestic virtue justified his predilection.

At the time of this prosperity, I was one day walking in the mall, and, accidentally, met Samuel Adams. In taking a few turns together, we came in full view of Mr. Hancock's house. Mr. Adams, pointing to the stone building, said, "This town has done a wise thing to-day." "What?" "They have made that young man's fortune their own." His prophecy was literally fulfilled; for no man's property was ever more entirely devoted to the public. The town had, that day, chosen Mr. Hancock into the legislature of the province. The quivering anxiety of the public, under the fearful looking for of the vengance of king, ministry, and parliament, compelled him to a constant attendance in the House; his mind was so ngrossed by public cares, alarms, and terrors; his business was left to

subalterns: his private affairs neglected, and continued to be so to the end of his life. If his fortune had not been very large, he must have died as poor as Mr. S. Adams or Mr. Gerry.

I am not writing the life of Mr. Hancock; his biography would fill as many volumes as Marshall's "Washington," and be quite as instructive and entertaining. Though I never injured or justly offended him, and though I spent much of my time, and suffered unknown anxiety, in defending his property, reputation, and liberty from persecution, I cannot but reflect upon myself for not paying him more respect than I did in his lifetime. His life will, however, not ever be written. But if statues, obelisks, pyramids, or divine honors were ever merited by men, of cities or nations, James Otis, Samuel Adams, and John Hancock, deserved these from the town of Boston and the United States. Such adulations, however, are monopolized by profligate libellers, by cringing flatters, by unprincipled ambition, by sordid avarice, by griping usurers, by scheming speculators, by plundering bankers, by blind enthusiasts, by superstitious bigots, by puppies and butterflies, and by everything but honor and virtue. Hence the universal slavery of the human species. Hence a commentary on the well known and most expressive figure of rhetoric, "It grieved the Almighty, at his heart, that he had made man." Nevertheless, this is a good world, and I thank the Almighty that he has made man.

Mr. Hancock had a delicate constitution. He was very infirm. A great part of his life was passed in acute pain. He inherited from his father, though one of the most amiable and beloved of men, a certain sensibility, a keenness of feeling, or in more familiar language, a peevishness of temper, that sometimes disgusted and afflicted his friends. Yet it was astonishing with what patience, perseverance, and punctuality he attended to business to the last. Nor were his talents or attainments inconsiderable. They were far superior to many who have been much more celebrated. He had a great deal of political sagacity and penetration into men. He was by no means a contemptible scholar or orator. Compared with Washington, Lincoln, or Knox, he was learned.

ORIGIN AND ANTIQUITY OF HERALDRY

V

Animals of Various Kinds, Their Uses in Heraldry, Their Origin and the Sentiments which are Represented by Them

BY HENRY WHITTEMORE

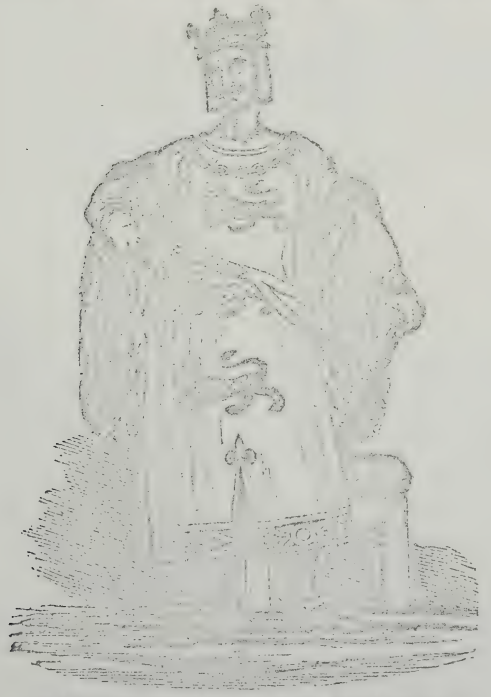
Beasts of the Game—Stags, bucks, deer, hares, etc., are covered in arms not only on account of their natural good qualities but as signs of the bearer's jurisdiction and liberty of hunting in forests and parks. Their positions in arms are tripping, standing at gaze, *courant*, springing and *couchant*. Passant or *trippant* is when they have their right fore foot lifted up, and the other three, as it were on the ground. Tromp, of that ilk carried arms, vert, three bucks passant argent, two and one. This family ended in an heiress, who was married to a younger son of Keith, Earl of Mareschal. When the horns of those animals are of different tincture from their bodies, they are then said to be attired, and the branches of their horns are called tynes, and when their hoofs are of different tincture they are said be be unguled. The name of Parkhill carries arms, argent, a stag trippant, proper, attired or unguled, or.

Standing at gaze is said when these animals stand with their four feet on the ground. The name of Jones in England carries, arms, sable, a stag standing at a gaze argent. When lying down they are said to be *couchant* or lodged. The name Davidson carries arms, azure on a fesse argent between three pheons, a buck couchant gules. Sir William Davidson, of Churchill, baronet, carried the same arms, and in the dexter canton the arms of Ulster being argent, a sinister hand, couped, gules, as being a baronet of England. His crest—was a youth from the middle holding in his right hand a man's heart, all proper. Albert Davidson, of Cambridge, advocate, carried arms, azure

on a fesse, couped, argent, between three pheons or, a buck couchant gules and attired sable. Robert Davidson, of Balzay, near Dundee, bore arms, azure on a fesse between three pheons argent, a stag couchant gules, attired with two tynes, or; crest, a falcon's head couped proper.

When deer, bucks, harts, etc., are running they are said to be *courant*, or in full course, as the surname of Rae bears arms, argent three roebucks in full course gules. When the beasts of game are erect on their hind feet they are said to *springing* or *salient*.

King David I, commonly called the Saint, being engaged in hunting on Hollywood day, near to Edinburgh, there appeared a hart or a stag with a cross between his horns which ran at the king so furiously, and dismounted him from his horse that he was in danger of being killed had not one of his attendants, Sir Gregan Crawfurd interposed. The pious King, taking this as a reproof for hunting on such a holy day, erected on the place, in



THE THREE LEOPARDS OF KING EDWARD III.

1128, a church called Holywood house, and the head of a stag with a cross between his horns became the badge of the abbacy and its baronies; as also the armorial figures of Sir Gregan Crawfurd, and all his descendants who carry: arms, argent, a stag's head erased with a cross crosslet between his attires gules, to perpetuate the happy event in Sir Gregan's delivery of King David; so that he and his posterity laid aside their paternal bearing, gules, a fesse, ermine, carried by another branch of the name.

Crawfurd of Coularg carried—arms, argent, a stag's head erased, sable, attired or, distilling drops of blood; Crest—a dexter hand issuing out of a cloud, grasping a hart by the horns, and bearing him to the ground, all proper.

Caboched, cabossed, caborsed and trunked, are allowed for the heads of beasts which are represented full placed, and show no part of their necks. The term cabossed is said to be from an old French word *caboche* which signifies the head, but the French use the word *massacre* for a head caboched, which Menestier says is a term of hunting crept into heraldry; for the heads of stags, harts and other beasts of game which are due to the huntsman are called *massacre*.

The Mackenzies carry: arms, azure, a deer's head cabossed, or. The first of this name was Colin Fitzgerald, son of the earl of Kildare, or Desmond, in Ireland, who signalized himself by his bravery for the Scots against the Danes at the battle of Largs, in the year 1263, so that King Alexander II took him into favor, and bestowed upon him the lands of Kintail, in Ross-shire. His son was Kenneth, and again his son Kenneth, father of Murdo, designed in the charter of King David Bruce *filius* Kenneth; by the Highlanders, Mackenneth; and by those in the lowlands, Mackenzies, as were all the descendants in the lineal and collateral lines of the family and which were numerous in a short time.

Alexander Mackenzie of Kintall, a lineal descent of the head of the family, was killed at Flodden, with King James IV, 9th Sept., 1513, leaving John Mackenzie, his son, and heir, who, by his wife Elizabeth Stewart, daughter of John Stewart, Earl of Athol, had Cohn Mackenzie, his son and successor, a firm loyal-

ist supporter of Queen Mary. His eldest son and successor, was Kenneth Mackenzie, who, for his father, and his own merit was honored by King James VI, with the dignity and title of Lord Mackenzie of Kintail, in 1609.

From George, earl of Seafoth was lineally descended Kenneth, earl of Seafoth, who by King James VII was chosen and invested one of the knights companions of the most ancient order of the thistle, and afterward honored with the title of marquis of Seafoth.

The Wolf—Romulus, in founding Rome, adopted the image of the she wolf. The senate of Romulus assumed the eagle of Jupiter which became the Roman standard with the wolf. The position of the wolf in armories is ordinarily erect, and so said to be rampant. It is carried by many families as relative to their name. Heads of wolves are frequent in arms, and have their necks hanging down to distinguish them from the heads of other beasts.

Robertson, of Strunan, carries: arms, gules, three wolves' heads erased, argent, armed and langued azure. Crest, a dexter hand holding up an imperial crown proper. The first of the family is said to have been one Duncan Macdonald, who got the lands of Strunan, in Perthshire for killing wolves. Robert, one of the other heads of the family apprehended as one of the murderers of King James I. on which account the family of Strunan has since borne a wild man chained, lying under the escutcheon of the arms.

John Robertson, writer, of Edinburgh, parted his chevron, gules and argent, three wolves' heads erased, two in chief and one in base, counterchanged of the same, armed and langued azure. Crest—a dexter hand holding a crescent.

The Fox is used in armories for his wit, and as relative to the name of the bearer. The armorial bearings of the Fox family are described as; arms, ermine, on a chevron azure, three foxes' heads, erased, or, within a bordure fleurette, of the second, and on a canton of the same, a drinking-cup, of the third, bearing three fleurs-de-lis proper; on the urn, and charged in the centre with a rose gules; crest—a fox, sejant or, collared, fleurette,

azure, its paw resting on a fleurs-de-lis; motto, *faire sans dire* (to do without talking).

John Tod, by order of King Robert the Bruce, got from Sir Alexander Seaton, of that ilk, governor of the town of Berwick, nineteen pounds, six shillings and eight pence for relieving his children, captors in England, as is shown by an article in Sir Alexander Seaton's records, his accounts in the borough rolls of Exchequer in the year 1328.

The Antelope Supporter was adopted in 1413 by King Henry V. on that monarch's succession. He changed the supporters of the royal escutcheon, by substituting an antelope for the white hart, as a companion to the lion of Aquitain. The antelope is a species of deer with two horns, plain or twisted. The standard exhibiting the antelope, gorged with a crown, and a golden chain pendant therefrom, was carried to the battle of Agincourt, gained by Henry V in 1415.

The ensign of Joan, surnamed the fair maid of Kent, bore a white hind *couchant*, which appertained to her arms as Countess of Kent previous to her marriage with Edward, the Black Prince, by whom she was the mother of the young reigning monarch, Richard II. After quelling an insurrection the royalists remaining conquerors, the king adopted the victorious banner of his mother, but changed the hind into a white hart gorged with a royal crown around its neck, ornamented with the fleurs-de-lis of France, and a loose golden chain. At the marriage of Richard II with Anne of Luxemburg (sister to Winceslas, King of Bohemia and Emperor of Germany), it was recorded that all the royal plate of England was newly engraved *a la guise* of the hart couchant.

The Horse. This device is carried by an old family of England by the name of Cleland, in the country of Lanark. It is said they were hereditary foresters to the old earls of Douglas which gave rise to their arms. After the death of King Alexander III., James Cleland of Cleland joined with William Wallace against the English for the relief of his country. He afterward stood firm in his loyalty for King Robert the Bruce and for his good service that king gave him several lands lying within the barony of Calder in West Lothian. From him was

descended William Cleland, who, in the reign of King James III. married Jean, daughter of William Lord Somerville.

Alexander Cleland, with his cousin, William Cleland, were both killed fighting valiantly for their king in the first battle of Flodden, 1513. On the seal of arms of this Alexander, appended to a charter of the date of 1498, is engrossed a hare *salient,* with a hunting horn about his neck. James Cleland, an eminent man, in the time of King James V. whom he frequently attended at hunting, married a daughter of Hepbourn of Bonnington, descended from the earl of Bothwell, by whom he had a son and successor.

Alexander Cleland was eminent for his loyalty in behalf of Queen Mary. He married Margaret, a daughter of Hamilton of Hays by whom he had William, his son and successor, who married the sister of Walter Stewart, the first Lord Blauskyre; their oldest son, Alexander, married the sister of John Hamilton, the first lord of Burgeny. This son and heir sold the lands of Cleland to a cousin of his own name, Major William Cleland. One of the commissioners of customs in Scotland, great-grandson of the last mentioned Alexander Cleland carries the principal arms of the family, as a tessure of his blood and primogeniture, viz: arms,—azure a hare *salient,* with a hunting horn *vert,* hanging about his neck, garnished, *gules;* crest,—a falcon standing upon a left hand glove proper; motto,—*non sila* (at other times). For Sport: supporters two greyhounds, as in the "Lyon Register" and "Plate of Achievements."

The Otter, lives both on land and in water, and in armory is frequently carried issuing out of fesses or bars waved, which represent rivers, and this creature, by some heralds is said to represent a shifty warrior.

The name of Mildrum carries argent a demi-otter issuing out of a bar waved sable. Several of this name are found in the charters of King William. Alexander de Melgedrum or Meldrum was a witness in the registration of the lands of Beethwald by John de Strathborn, 1278; and in 1290, William, Lord Meldrum was one of those employed to treat about King David's redemption.

George Meldrum, of Cranbie, carries quarterly, first and

fourth argent, a demi-otter issuing out of a bar waved sable, for meldrum; second and third, three unicorns' heads couped sable, for Preston: and all within a bordure of the last; crest, a dexter hand holding a book; motto,—*mens immota manet.*

The name of Otterburn carries otters' heads relative to the name. Otterburn, of Redhall carries arms, argent *gouttée de sable,* a chevron between three otters' heads couped of the last, and, on a chief azure of cresent or.

Fullerton, in the shire of Ayr, carries arms, argent three otters' heads erased gules; crest, a camel's head; Motto, *Lux in tenebris;* supporters, two savages wreathed about the head and middle with laurel all proper, holding in their hands branches of laurel.

There is a charter in the earl of Haddington's "Collections" of King Robert the Bruce, in the twenty-first year of his reign, to Galfredus Fullerton, of the lands of Fullarton; and to this wife Agnes and her heirs, as the king's fowler, in which office he and his successors were obliged to serve the king's house with wild fowl, when the king and his successors shall come to Forfar, where Fullarton was to be entertained with a servant and two horses.

The Elephant. This useful beast of burden is commended for its good qualities, and as the emblem of wit, docility and meekness, and sometimes is met with in armories as a supporter of the arms of Lord Oliphant relative to the name.

THE ELEPHANT OF JULIUS

The Julian family possessed an elephant named Cæsar which they had captured in the Punic war and brought to Rome. The name of Cæsar, which in the Punic language signifies brave,

had been given to that elephant and its warlike riders as a compliment for their bravery against the Romans in the Punic war. The surname of Cæsar having been assumed by the Julian family, became illustrious and defied in the person of Julius Cæsar accounted the first Roman Emperor after Pompey. This title was given to the first twelve emperors, but was afterwards exclusively reserved to the heir apparent of the empire.

Julius Cæsar landed in Britain with a Roman army, and their war elephants contributed to the defeat of the Britons. The representation of this animal became common in Briton. The elephant's probocis as an armorial figure, flexed and reflexed in form of an s. is to be seen in the English herald books and sometimes as relative to the name of the bearer. The name of Elphingston or Elfinston, in England, bears arms, gules, and elephant passant argent, tusked or.

The Bull and the Ox were emblems of labor and agriculture and the cow of fertility; besides these qualities they are carried as relative to the name of the bearer; their postures are ordinarily only passant, but the bull often *affraye,* that is, erected or salient. When their horns or hoofs are different tinctures from the borders they are said to be unguled and horned of such tinctures. The bull is sometimes represented with a collar about his neck, with bells from which he is said to be collared and belled.

The name of Belleville in English, carries arms, ermine, a bull passant, gules, horned and unguled or. The armorial bearings of the Episcopal see of Oxford are arms sable, a bar between three busts of the Queen, arrayed and vailed argent and crowned or; in chief and in base, an ox of the second passing over a ford proper; armed and unguled or.

The heads of bulls are frequent in arms, and, as other heads, represent the whole creature. The name of Turnbull carried arms, argent a bull's head erased, sable. The first of the name is said to have been one Ruel, who turned a wild bull by the head which violently ran against King Robert Bruce in Sterling Park, from which he got from the king the lands of Bedrule, and the name of Turnbull. Edward Howes, in his "History of England," mentions a man in the entourage of King

David Bruce at the battle of Haddonhill. He says, "a certain stout champion of great stature, who, for a feat by him done was called Turnbull, advanced before the Scot's army, and a great mastif dog with him, and challenged any of the English army to fight with him a combat. One, Sir Robert Venal, a Norfolk man, by the king of England's leave, took him and fought and killed him and his dog too." This gentleman's son, Sir James Turnbull, with Sir John Kaleburton, was killed near Nisbet Muir, in the Merse in an engagement with the English, in 1355.

The name of Bullen in England carries arms, a chevron azure between three bull's heads cabosesd sable. These arms were carried by Thomas Bullen, grandson of Calfridus Bullen, lord mayor of London in 1453, father of Anne Bullen, marchioness of Pembroke, who was Queen to King Henry VIII. of England, and mother of Queen Elizabeth. Thomas Bullen was dignified with the title of earl of Wiltshire, and viscount of Rocheford, who, with his son and daughter, the queen, were beheaded May 19, 1536.

The canton of Uri, in Switzerland which signifies a wild bull, carries arms, or, the head of a bull cabossed with a ring through its nose gules.

Cows. The name of Cabez de Vacca in Spain carries cows' heads relative to the name: "The first of this family" says Faven in his "Theatre of Honour" "was one Martin, a great master of cows in Spain, who conducted the Christian army that was marching against the Mows, by whose good conduct the Christians fell upon them and routed them entirely in the plains of Tolosa; for which good service Alphonse, king of Leon, nobilitated Martin, and gave him the name of Cabez de Vacca, and for arms, cheque, gules and or, within a bordure azure, charged with six cows argent.

There is an ancient family in the shire of Tweeddale, in England by the name of Veitch or Vach who carries for arms, a cow's head erased. It is said that one of this family aided King Robert the Bruce in his extremities by bringing into his camp a herd of cows from the enemy for which he was called Vach or Vacca—a cow.

SHEEP. THE LAMB. An old English work states that "The north of Arabia being unpopulated, the wandering tribes of shepherds, armed themselves and formed the holy alliance under the inspiration of the conductor angel of the north. They passed the isthmus of Suez, conquered Egypt, and set one of their pastoral chiefs as king on the throne of Osiris.

This warlike shepherd introduced into Egypt the annual oblation of an unblemished lamb or kid, sacred to their conductor angel Gabriel. In the north of Arabia the lamb, was stamped on the coins, which became the money of Egypt, but a scorpion was on the reverse. The letter was supposed to be the emblem of the Arabian arms, as dreadful to the Egyptians as that venomous insect, or perhaps as a sign of the arrival of the Arabs in October, in which month the scorpions visit that country with their desolating progress. At last the Egyptians recovered their independence under the chieftain styled Pharo, or revenger, who succeeded the pastoral dynasty, and from thence every sheperd was an abomination unto Egypt. The Arabian dynasty was then recorded in the annals of Egypt, but by the contemptuous appellation of the pastoral or shepherd kings. The lamb on the standards arms and coins was superseded by the face of Pharo, but the oblation of the lamb remained among the other animal sacrifices in Egypt as in the time of the shepherd kings.

SHEEP, the emblem of meekness and sign of fertility are carried in arms upon such account and also as relative to the name of the bearer. Shaff in Germany signifies sheep.

The name of Lamb bears relative to their name, arms, three holy lambs, one, two and one, carrying a staff and flag argent over their shoulders. Those of the name in England bear arms, gules, three holy lambs with banner rolls over their shoulders, argent, charged with a cross of the first being the cross of England. Robert Lamb, of Duncan on his seal of arms appended to a charter of his to Alexander, lord Home, great chamberlain of Scotland, in 1492, had three pilgrims' stars.

RAM'S HEADS are also used in arms, either couped, erased or cabossed. What is said of the sheep may also be said of the goat and its posture and parts in arms. The name of Bager,

in England, carries arms, gules a goat passant argent; and the name of Gotly carries arms, ermine a goat's head erased and horned or, as relative to the name.

Reptiles, Creeping Things, Serpents and Devices of This Character Defined in Heraldry.

These various creeping things have a peculiar significance in the science of heraldry and are shown in armories in the various positions they occupy.

Toads, Frogs, etc. These are often represented as sitting in water without motion, which some call, in those positions, *the lording of the frogs,* their heads appearing above the water like helmets. When in this position in blazon they are said to be erected, as in the arms of Botreaux in England, viz: arms, argent three toads erect sable. Nicol Upton, an English writer, about the year 1428, referring to Lord Bolreaux's arms, says: "*Que quidem arma olim postaverunt reges Francorum;*" and others following his line since have asserted that the kings of France, of old, carried three toads. This, however, is denied by Menestries.

The Tortoise signifies invulnerability to attack. It is said to be an enemy to vipers and for the delicacy of its flesh and beauty of shell is carried in arms. The name of Gowdie, in England, carries arms, vert a tortoise passant argent; and that of Cooper has arms, azure a tortoise erected or.

Snails. These are carried in the armorial bearings of the Shilly family of England, viz: arms, sable, a fesse between three house snails argent.

Serpents. These are made use of quite frequently in heraldry. They are said to be waved when they move forward; and then in blazon are said to be gliding; but when the serpent casts itself into a knot it is said to be nerved. Sleich, of Sleich House, carried arms, or, three piles issuing from the chief sable, and in base two serpents gliding fesse-ways in pale proper. The name of Ducat carries arms, argent, three serpents gliding fesse-ways in pale azure. The principality of Milan in Italy carried arms, a demi-infant gules issuing out of the mouth of a serpent gliding pale ways azure crowned or.

Menestrier, in referring to the arms of the ancient family of

Angiero, which comes from *anguis*, a serpent, says: "of that branch of the family of Angiero were Princes of Milan of old, which have borne and still continue the arms of Milan. Monsieur Louis, of France, Duke of Orleans, who married the daughter and sole heir of Galiazo, Duke of Milan, carried armes—quarterly, first and fourth, Orleans, azure, semé of fleurs-de-lis or, in chief a label of three points argent; second and third, the arms of Milan as above blazoned, which were also used by other princes who had, or pretended right to the Duchy of Milan. Philip, of Spain, who married Queen Mary, of England, marshalled the arms of Milan with his own.

Dragon. This is defined as a monstrous winged lizard or serpent. It seems to refer to any great monster, whether of land or of the sea, being, indeed more usually applied to some kind of a serpent or reptile. The scriptural symbol is to be sought in the union of gigantic power with craft and malignity of which the serpent is a natural emblem. It is frequently made use of in armory as supporters. It has been used as an

Albion and the Dragon.

ensign both by the Roman and German Emperors. Sir Richard Baker, in his "History of England" says, "Uter Pendragon, king of the Britons, had portrayed on his ensign a dragon with a golden head."

The kings of Denmark have been accustomed to marshall in their achievement the arms of the duchy of Sleswick, viz: arms, gules, a dragon crowned or, ever since Christian, the first of that name, king of Denmark, united the duchy of Sleswick to Denmark, about the year 1448. The name of Kilgour carries arms, argent, a dragon with wings displayed within a bordure inwardly circle sable, charged with three crescents of the first.

The name of Drake in England carries arms, a serpent with wings (called by the English wivern) displayed and tail waved gules. Humphrey Brent, one of the commissioners of the customs in Scotland carries the same creature, and for crest a demi-wivern issuing out of the mouth.

The Dragon and Wivern. Poets feign that dragons sat bordering on riches and treasures which are committed to their charge because of their admirable sharpness of sight, and that they are supposed of all other horned creatures to be the most valiant. Horndon states that Cuthred, king of Wessex, bore a gold dragon at the battle of Bureford. King Arthur, it is stated, bore a red dragon. This creature is always represented as being encased in stout scales resemblying armor. The Tudor sovereigns bore a red dragon as cognizance, but Queen Elizabeth changed the color to gold.

The wivern is a dragon represented with two legs only. The tail is nowed, or twisted into a single loop or knot and its signification is the same as that of the dragon.

Dragon. Gruffin. Wyvern.

Of Fowls, Birds and Feathered Creatures of Land, Air and Water.

The Eagle.—The Romans, under Agricola completed the conquest of the Briton by invading Caledonia (Scotland). The conquerors established the Roman heathenism or gentilism; they decreed the desecration of druidism, and symbolized Caledonia as the tutelar goddess of the country. The Celtic word Caledonia expressed the dark forests which covered that northern region. The Caledonians were divided into four localities: Mountains, meadows, woods and frontiers, limiting Britain from this they derived the four names of Highlanders, lowlanders, woodlanders, and borderers. They were subdivided into numerous clans or tribes, all painted on the body with their peculiar plaids or chequers. Previous to the conclusion of the conquest, the Romans had given the borderers the surname of pictis or painted, on account of their variegated plaids. The painters and sculptors represented Caledonia, bearing an eagle on her shield, either as an imperial sign, or on account of the great quantity of eagles flocking in the mountains of that alpine country. They gave her the attributes of war as a device of the long resistance of the highlanders against the conquerors.

The Eagle is more frequently used in armory than any other of the feathered tribe. This bird is called by the ancients the queen of birds, as the lion is said to be the king of beasts. They are both frequent in arms in all European countries. The

Eagle displayed.

black eagle is said to be the bravest bird, the emblem of magnanimity and fortitude of mind; and of such color was the eagle of the Roman emperors now used by the Germans, because the color black is the strongest color and appears at a great distance.

Caius Marius covered the eagle white to show his victory. Pompey had a white eagle in a blue field, and Julius Cæsar had it of gold in a red field to represent his eminency. Octavius after he had overcome his enemies and given peace to the world, reassumed the black eagle in a gold field; and it is continued in these tinctures, with the German emperors. And what is most to be observed is that the eagle appears with two heads, which seems to be contrary to nature, for the rule in armories is that every creature ought to be placed in its natural form if there be no special reason for doing otherwise.

There are various opinions both of antiquarians and heralds about the time or reason when and why the imperial eagle came to be represented with two heads. Some assert that it was used by the Roman emperors, and adduce for proof the pillars Trajan, on which was engraved a soldier with a shield charged with an eagle with two heads which Julius Lipsius testifies to. Others claim that it could not be the imperial eagle, which no soldier durst presume to carry, and they tell us that it was only a sign or token of the union of two legions in one, or of one legion under the command of two generals. It is also said that the Germans were the first to carry an eagle with two heads from the defeat they gave to Varus when they took two standards of two legions commanded by him. Other writers are of the opinion that the emperors of the East long after the division of the empire were the first to carry the eagle with two heads, for the reason that there were often two emperors together on the throne who had their effigies together on one side of their seals and coins, but on the other side thought not fit to have two shields with one and the same figure, but one shield in which they placed the two eagles, one above the other, with their heads separate; and which practice was afterwards imitated by the emperors of the Western Empire upon the decay of the Eastern, especially by Sigismund, who joined both the eagles together with their heads separate to show the sovereignties of the two emperors conjoined in his person, which practice was continued by his successors. This appears to be the most plausible reason for the imperial eagle with two heads, which heralds have

always used to blazon, a double eagle displayed, when its wings are expanded and its breast fully seen.

When eagles or other birds of prey have their beaks, legs, and talons of different color from their borders, they are then said to be beaked, membered and armed of such tinctures. The two heads of the imperial eagle are surrounded with an amulet or circle gules, for which it is said to be diadematee, which is peculiar to the imperial eagle, and a more sovereign sign than to be crowned as the eagles of other princes are. Diadematee is a peculiar mark of dignity of the imperial eagle, but other princes' eagles may be crowned with open or close crowns and said to be cononnee, and not diadematee.

The imperial ensign of the Roman emporer is blazoned, arms, or, a double eagle with two heads displayed sable, diadematee, beaked, membered and armed gules. Charles the Grand of France, and the successors of his body, as emperors of Germany, carried the imperial eagle of a different tincture, and in a field of different color. When the German emperors came in after the extinction of the French emperor they carried the arms of the empire as before with the escutcheon of the proper arms of the families they came from; as do those of the house of Austria.

The imperial eagle, on seals, coins and paintings has been sometimes represented, not in shield, but by way of supporters, having on its breast the shield of arms of the family the present emperor, and its two heads always diadematee; and above them, in the middle, is placed an imperial crown with pendants, and the eagle's right foot holds a sword, and the left a sceptre pale-ways proper.

(*To be Continued*).

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THE ORIGIN OF THE BOOK OF MORMON

BY BRIGHAM H. ROBERTS

(A Reply to Mr. Theodore Schroeder)

II

The "Second" Spaulding Manuscript

LET it constantly be borne in mind that the existence of a second Spaulding manuscript, on the subject of ancient America and its inhabitants, and entirely different from the one at Oberlin, is not heard of until after the unearthing of the manuscript, (now at Oberlin) by Hurlburt, and the consequent disappointment of the conspirators on finding it so utterly lacking in the features necessary to make it appear probable that it was the basis of the Book of Mormon. Howe's book was not published until after the return of Hurlburt from Massachusetts with this disappointing manuscript.

Not one of this group of eight witnesses whose testimony Howe publishes says one word about a "second manuscript" on the subject of ancient America. The only witnesses of the group who say anything at all about any other manuscripts by Spaulding are John M. Miller, Aaron Wright, and Artemas Cunningham. The first says, in speaking of Spaulding, "He had written two or three books or pamphlets on different subjects; but that which more particularly drew my attention was one which he called the "Manuscript Found."[56] The second says, "Spaulding had many other manuscripts, which I expect to see when Smith translates his other plate."[57] The third simply

56. Howe's "Mormonism Unveiled," p. 283.
57. Ibid. p. 284.

uses the word "manuscript" in the plural when referring to the writings of Spaulding, thus: "Before showing me his *manuscripts*, he went into a verbal relation of *its* outlines, saying that *it* was a fabulous or romantic history of the first settlement of the country, and as it purported to have been a record buried in the earth or a cave, he had adopted the ancient style of writing. He then presented his *manuscript*, when we sat down and spent a good share of the night in reading them."[58] It is quite clear that this witness really refers to but one manuscript, though he uses the plural form of the word; leaving only two of this group who refer to more than one manuscript of Spaulding's, and neither of these claim that the other manuscript dealt with subjects relating to ancient America, unless the sneering remark of Aaron Wright to the effect that he expected to see more of Spaulding's manuscripts "when Smith translates his other plate," can be tortured into such a reference.

There is no word then in the signed statement of these witnesses making reference either to a second manuscript on the subject of the ancient people of America, nor any reference made to Spaulding rewriting, or recasting his story "Manuscript Found." Mr. Howe, however, says that the manuscript brought to him by Hurlburt, (and now at Oberlin) was shown to these Conneaut witnesses and that they recognized it as Spaulding's; "he having told them that he had altered his first plan of writing, by going farther back with dates, and writing in the old scripture style, in order that it might appear more ancient. They say that it bears no resemblance to the "Manuscript Found."[59] This, however, is only what Mr. Howe says these witnesses said, and is not their testimony at all, as Mr. Schroeder must know since he makes some pretence to a professional knowledge of the law; it is the assertion only of Mr. Howe, it must be remembered; and from his relationship to this controversy, being the author of a book that was a vicious attack upon the Mormon Church; from his association with such men as Hurlburt, Bently *et al.* whose purpose it was "to up-root this Mormon fraud;" from the fact of his bitterness, because of the

58. Ibid. p. 286-7.
59. Ibid. p. 288.

membership of his wife and sister in the Mormon Church—he is not a reliable witness in the case. On the contrary he is a very unreliable witness, as will be shown more completely later, and one marvels that in a case so important, Mr. Howe did not get a statement direct and over the signatures of these Conneaut witnesses, instead of contenting himself by reporting what he alleges they had said to him.

Since these Conneaut witnesses, then, do not testify as to the existence of any second manuscript of Spaulding's dealing with the ancient inhabitants of America, of what exact value is their testimony? The whole eight claim to have heard Solomon Spaulding read his manuscript story; they have all read or heard read parts or all of the Book of Mormon; four of them say that the colony of Spaulding's story came from Jerusalem; four of them say that Spaulding represented the Indians as the lost tribes of Israel; seven recognized in the Book of Mormon a number of names and phrases as identical with the names and phrases of Spaulding's manuscript story; two say that the colony of Israelites of Spaulding's story separated into two distinct peoples or nations, as the colony of Lehi, according to the Book of Mormon, did; and in a general way the whole eight may be said to claim that the historical parts of the Book of Mormon and those of the Spaulding story agree; five of them declare the absence of religious matter in the Spaulding manuscript, and two of them, say it was written in the "old style." Such is the substance of the testimony of this group of witnesses.[60]

Now let it be remembered that Spaulding resided in this Conneaut neighborhood something less than three years;[61] these witnesses, his neighbors, heard occasional readings of his manuscript story, which from twenty-one to twenty-four years later they assume to identify with another literary production, the Book of Mormon; and identify it, too, in respect of several very minute and particular things. Are we not asked here to accord to human recollection a vividness and power which, to say the

60. Ibid. chapter xix.

61. See statement of John Spaulding, brother to Solomon Spaulding, who fixes date of arrival of the later at Conneaut in 1809 (Howe's Mormonism, p. 279); and all witnesses agree that he left for Pittsburg in 1812.

least of it, is very exceptional? Who were these people—these witnesses whose testimony Mr. Schroeder relies upon to "clinch" the charge of plagiarism upon those responsible for the existence of the English translation of the Book of Mormon? Who vouches for the extraordinary intelligence with which they must have been endowed to accomplish the feat of memory ascribed to them, if their testimony is credited? Who knows them and vouches for their honesty, another consideration to be taken into account before their testimony may be wholly satisfactory? Mr. Howe vouches for them (we might say, "of course"!). He says they are all "most respectable men, and highly esteemed for their moral worth, and their characters for truth and veracity, are unimpeachable. In fact the word of any one of them would have more weight in any respectable community than the whole family of Smiths and Whitmers, who have told about hearing the voice of an angel."[62]

THE FAILURE OF HOWE'S BOOK

But we have already seen from the nature of things Howe cannot be regarded as a reliable witness in this controversy. And as for putting these witnesses in contrast with the "Smiths and the Whitmers", it must be remembered that the latter have back of their testimony a life of danger, toil, poverty, suffering, and in some cases martyrdom itself, all endured in support of, and on account of the testimony they bore as to the origin of the Book of Mormon;[63] while no such good earnest of veracity stands back of this Conneaut group of Mr. Schroeder's witnesses; and the mere word of Mr. Howe does not give sufficient guarantee of their "character for truth and veracity." Certainly what they stated about the Book of Mormon could not have been regarded as of any great weight, since in spite of the publication of their testimony right in the section of the state of Ohio where most of these witnesses lived, people went on

62. "Mormonism Unveiled" p. 281.

63. The force and value of the testimony of these witnesses is considered at length in the "Young Men's Manual" (Mormon), for 1904, chapters xv to xxi, inclusive. This work is now in course of revision and will soon be published under the title "New Witnesses for God," Vol. II. For the value of this kind of testimony see Paley's "Evidences," Proposition II, Chapter 1, also the present writer's "New Witness for God," Vol. I, Chapter XVII.

believing the testimony of the "Smiths and the Whitmers" as against that of the Covenant witnesses, by becoming members of the Church of the Latter-day Saints. The years between 1833, and 1837, years in which this Hurlburt—Howe—Bently—Campbell—Clapp—Spaulding agitation was going on, the growth of the church was most rapid, and north-eastern Ohio was the most fruitful of its proselyting fields. It took six years to sell the first edition of Howe's book, as the second edition was not published until 1840. Relative to the influence of Howe's book, and two other anti-Mormon productions published in north-eastern Ohio, just before Howe's book, Elder Orson Hyde, writing from Kirkland after a misisonary tour through a number of surrounding towns and country districts, wrote the "Messenger and Advocate," under date of May 4th, 1836, of which the following passage is an excerpt:

"The first weapon raised against the spread of truth, of any consideration in this country, was the wicked and scurrilous pamphlet published by A. Campbell. Next, perhaps, were the letters of Ezra Booth; and thirdly, "Mormonism Unveiled," written by Mr. E. D. Howe, alias "Dr." P. Hurlburt. These were designed severally in their turn for the exposure and overthrow of Mormonism, as they termed it; but it appears that heaven has not blessed the means which they employed to effect their object. No weapon raised against it shall prosper. The writings of the above named persons, I find, have no influence in the world at all; for they are not even quoted by opposers, and I believe for no other reason than that they are ashamed of them".[64]

Elder Parley P. Pratt, about 1839-40, in answering an attack on the Book of Mormon in *Zion's Watchman*, said:

"In the west, whole neighborhoods embraced Mormonism, after this fable of the Spaulding story had been circulated among them. Indeed, we never conceived it worthy of an answer, until it was converted by the ignorant and impudent dupes or knaves, in this city, who stand at the head of certain religious papers, into something said to be positive, certain, and not to be disputed!"[65]

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64. *Messenger and Advocate*, p. 296.

65. Thompson's "Evidences" (1841) pp. 182-3; also "Origin of the Spaulding Story," (Winchester) p. 13.

THE CONNEAUT WITNESSES

There remains yet to be considered how much these obscure Conneaut witnesses were flattered by the prospect of coming to be regarded as persons of importance by their connection with this movement against Mormonism, a consideration by no means of slight importance if they were, as is most likely the case, ignorant men and religious fanatics. Also it must be asked to what extent they were under the influence of the conspirators, Hurlburt, Howe, *et al,* and to what extent they shared the sectarian bitterness of these men against Mormonism. It should be remembered that it is beyond all human probability that they could remember the things about Spaulding's manuscript story that they say they recollect after an elapse of from twenty-one to twenty-four years. Think what the recollection of these Conneaut witnesses respecting the old Spaulding manuscript would have been had one gone into the community to make inquiries about it after an elapse of more than twenty years, and before anything had been heard of the existence of the Book of Mormon!

But it will be said that this is not altogether a fair test on which to build a contrast between what could be recalled without the aid of associated ideas and incidents, and what could be remembered when associated ideas and really similar or identical incidents, names, and phrases, though long forgotten, were repeated. One must necessarily concede something to such a contention. But on the other hand, let it be conceded what a fertilizing effect the recent reading of the Book of Mormon would have on the minds of these witnesses anxious to testify against it! What an awakening effect it would have on the minds of witnesses full of fanatical zeal against what they considered a religious innovation; on the minds of witnesses tempted by the prospect of being lifted from obscurity to a position of importance in their little world; on the minds of witnesses doubtless leagued with crafty conspirators full of bitterness, and confessedly determined "to up-root this Mormon fraud." With the Book of Mormon in their hands from which to refresh their minds as to names and incidents, of course they

will "remember" that Spaulding's colony came from Jerusalem; that he represented the American Indians as descendants of the lost tribes (ignorantly supposing that such was the representation of the Book of Mormon in the matter);[66] that the names of the chief characters in the Spaulding story were "Lehi and Nephi," and one "remembers" that the place where Spaulding landed his colony was near the straights of Darien, which he is "confident" was called "Zarahemla"; while another, that the colonists separated and became two nations and had many great and cruel wars; that the phrases "I, Nephi"; and, "It came to pass," were frequently used in the Spaulding story, just as they were used in the Book of Mormon! All this they "very well remember"--after reading the Book of Mormon! One very striking thing that was "remembered" in 1834 at Conneaut, in this connection, is not mentioned by any one of the group of eight witnesses; it is a thing Mr. Howe missed entirely, and that Mr. Schroeder has not used, though the minuteness of his researches into all things Mormon must forbid us thinking that he has not come in contact with it. Mrs. Ellen E. Dickinson brought the matter into view as late as 1885, in her book so frequently quoted by Mr. Schroeder, "New Light on Mormonism." This lady, a grand-niece of Solomon Spaulding's wife, saye:

"Of the old stories told at Conneaut, in 1834, in connection with Solomon Spaulding, was one to the effect that he told his neighbors at the time he entertained them with his romance, that his "Manuscript Found" was a translation of the "Book of Mormon," and he intended to publish a fictitious account of its having been discovered in a "cave, in Ohio," as an advertisement, to advance its sale, when his book was printed."[67]

Why did not Mr. Howe publish this precious item—this "odd" story "told at Conneaut in 1834"? Why does not Mr. Schroeder at least make use of it as among his "clinching" evidences of

66. Nearly all anti-Mormon writers make this blunder, and thereby exhibit their shallow knowledge of the subject. In the colony of Lehi were descendants of the tribe of Manesseh and Ephraim, descendants of the patriarch Joseph, but no where does it claim that the inhabitants of America are descendants of the "lost tribes." For an exhaustive treatise of the subject, see the "Young Men's Manual," 1905-6, Chapter XXXV.

67. "New Light on Mormonism," p. 80.

the plagiarism of the main part of the Book of Mormon by Sidney Rigdon, Joseph Smith *et al.*? Is it possible that this was even too "raw" for Mr. Schroeder's stout stomach, which is capable of digesting everything anti-Mormon, from "pap to steel?" Or is it so that this bald statement is an out-growth of the "recollection" process operating at Conneaut after Howe's record was closed? And that here we see the process of "recollection" at work in these Conneaut witnesses, which expands the dim consciousness that an old, excentric minister, from twenty-one to twenty-four years ago, lived among them two or three years—read to them some kind of a story about the ancient people of America, the manuscript of which he feigned to have found in a stone box in a cave—into that remarkable recollection of similarity of names, phrases and historical incidents to be found in their signed statements in Howe's book, until finally, if advocates of the Spaulding theory of origin for the Book of Mormon would but admit into their collection this "odd" story unearthed by Mrs. Dickinson, they might "prove" that Mr. Spaulding's story "Manuscript Found," was a translation of the Book of Mormon,"—and what a victory that would be, O, my countrymen!

E. D. HOWE DISCREDITED AS A WITNESS

The reader who will follow me through this review of Mr. Schroeder's evidence and argument, will find by the time the review closes that these Conneaut witnesses—incompetent and weak as they are as witnesses—and Mr. Howe's "Mormonism Unveiled," are the very heart of this whole Spaulding theory of the origin of the Book of Mormon. We have seen, in part, how flimsy and incompetent are the eight Conneaut witnesss, on whom Mr. Schroeder relies to "clinch" his evidence of the plagarism of the Book of Mormon; let us now see how unworthy of belief is Mr. E. D. Howe.

Mr. Howe at the time he was preparing his book, "Mormonism Unveiled", 1833-4, represents the position of the Church to be as follows, in respect of the several matters stated:

"About this time an opinion was propagated among them, that

they should never taste death, if they had sufficient faith. They were commanded to have little or no connexion with those who had not embraced their faith, and everything must be done within themselves. Even the wine which they used at their communion, they were ordered to make from cider and other materials. All diseases and sickness among them were to be cured by the Elders, and by the use of herbs—denouncing the physicians of the world, and their medicines, as enemies to the human race."[68]

And then he makes this sneering remark, and emphasizes it with an index hand pointing to it:

"They had one or two root doctors among them, for whose benefit it is presumed the Lord made known his will, if at all."

In refutation of these slanders, I quote the revelation by which the Saints were governed in the particulars here named by Howe; a revelation which to the saints of course was the law of God, and which revelation Mr. Howe garbled into the statement above quoted:

"And whosoever among you that are sick, and have not faith to be healed, but believeth, shall be nourished in all tenderness with herbs and mild food, and that not of the world. And the elders of the church, two or more, shall be called, and shall pray for and lay hands upon them in my name, and if they die they shall die unto me, and if they live they shall live unto me. Thou shalt live together in love, in so much that thou shalt weep for the loss of them that die, and more especially for those that have not hope of a glorious resurrection. And it shall come to pass, that those that die in me, shall not taste of death, for it shall be sweet unto them; and they that die not in me, woe unto them, for their death is bitter! And again, it shall come to pass, that he that has faith in me to be healed, and is not appointed unto death, shall be healed; he who has faith to see shall see; he who has faith to hear shall hear: the lame who have faith to leap shall leap; and they who have not faith to do these things, but believe in me, have power to become my sons; and in as much as they break not my laws, thou shalt bear their infirmities."[69]

This was given to the Church as a law, February 9th, 1831.

68. Howe's "Mormonism Unveiled," p. 124.
69. "Doctrine and Covenants," section xxvii. "History of the Church," Vol. I, p. 106.

The revelation was published in the *Evening and Morning Star*, Missouri, Vol. I, Number 2, July, 1832, more than two years before Mr. Howe's book was published. (I quote from the original *Star* of 1832, not the Kirtland reprint). I challenge Mr. Schroeder and the religious literature of the world for a passage more beautifully sympathetic concerning the sick and those who die, than this passage. And it completely convicts the star witness for this Spaulding theory of the origin of the Book of Mormon of vile misrepresentation of the saints and the church in several important particulars. So far is the revelation from creating the impression that the saints should never "taste of death," in the sense that they should never die, that it expressly directs what course shall be taken in respect of those who die, both in the case of those who have, and those who have not the hope of a glorious resurrection. As to wine used at communion being made from "cider and other materials," the law of the church is found in a revelation given in September, 1830, as follows:

"Wherefore, a commandment I give unto you, that you shall not purchase wine, neither strong drink of your enemies: wherefore, you shall partake of none, except it is made new among you; yea, in this my Father's kingdom, which shall be built up on the earth."[70]

One looks in vain for the "cider and other materials" in this commandment as to the Sacrament; just as he looks in vain for the denunciations of "The physicians of the world and their medicines as enemies of the human race." The effort of Mr. Howe in these several particulars was to make the saints ridiculous; he succeeds only in making himself contemptible. And let no one say that Mr. Howe does not allude to the revelations here quoted in refutation of his false accusation, but to opinions propagated outside of these authoritative utterances of the Church. The phraseology employed by Mr. Howe and the allusions to death, sickness, healing, the use of herbs, etc., follows too closely the revelation, as also his allusion to the Lord making "known his will," to admit of such an excuse or defense.

70. "Doctrine and Covenants," section 27.

THE DAVISON STATEMENT

The next testimony to be examined as to the Spaulding theory of the origin of the Book of Mormon is an alleged statement of Mrs. Matilda Davison, formerly the wife of Solomon Spaulding. Spaulding died in 1816, and four years later Mrs. Spaulding married Mr. Davison, of Hartwicks, New York. The alleged statement of Mrs. (Spaulding) Davison first appeared in the *Boston Recorder*, in April, 1839, and was widely copied by the religious press of the eastern states.

It was intended by its authors to help out the Spaulding theory in several particulars; first, in that the Spaulding manuscript was written in "ancient style; and as the Old Testament is the most ancient book in the world he (Spaulding) imitated its style as nearly as possible"; second, that the manuscript that Spaulding feigned to have found was "written by one of the lost nation;" third, that it was recovered from the earth; fourth, that a connection is established between Spaulding and Patterson, and that the latter told Spaulding to write a title page and preface to his story, and he (Patterson) would publish it; fifth, that a relationship is established by it between Rigdon and Patterson; and sixth, that there was "spontaneity" in affirming the identity between the Book of Mormon and Spaulding's "Manuscript Found" at Conneaut, when the Book of Mormon was publicly read there."[71] On account of the peculiar attitude of Mr. Schroeder towards this Davison statement; as also on account of the methods of creating the materials for the Spaulding theory disclosed by the history of this document, it is important that it should be published *in extenso*:

ALLEGED STATEMENT OF MRS. DAVISON, FORMERLY THE WIFE OF SOLOMON SPAULDING.

"As the Book of Mormon, or Golden Bible (as it was originally called) has excited much attention, and is deemed by a certain new sect of equal authority with the Sacred Scriptures,

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71. The Davison statement is published in the *Boston Recorder* April, 1839; Smucker's "Mormonism," p. 41 *et seq.* "Gleanings by the Way," p. 250, *et seq.*; and many other anti-Mormon books.

I think it a duty which I owe to the public to state what I know touching its origin.

"That its claims to a divine origin are wholly unfounded needs no proof to a mind unperverted by the grossest delusions. That any sane person should rank it higher than any other merely human composition is a matter of the greatest astonishment; yet it is received as divine by some who dwell in enlightened New England, and even by those who have sustained the character of devoted Christians. Learning recently that Mormonism had found its way into a church in Massachusetts, and has impregnated some with its gross delusions, so that excommunication has been necessary, I am determined to delay no longer in doing what I can to strip the mask from this mother of sin, and to lay open this pit of abominations.

"Solomon Spaulding, to whom I was united in marriage in early life, was a graduate of Dartmouth College, and was distinguished for a lively imagination, and a great fondness for history. At the time of our marriage he resided in Cherry Valley, New York. From this place, we removed to New Salem, Ashtabula county, Ohio, sometimes called Conneaut, as it is situated on Conneaut Creek. Shortly after our removal to this place, his health sunk, and he was laid aside from active labors. In the town of New Salem there are numerous mounds and forts supposed by many to be the dilapidated dwellings and fortifications of a race now extinct. These ancient relics arrest the attention of the new settlers, and become objects of research for the curious. Numerous implements were found, and other articles evincing great skill in the arts. Mr. Spaulding being an educated man, and passionately fond of history, took a lively interest in these developments of antiquity; and in order to beguile the hours of retirement and furnish employment for his lively imagination, he conceived the idea of giving an historical sketch of this long lost race. Their extreme antiquity led him to write in the most ancient style, and as the Old Testament is the most ancient book in the world, he imitated its style as nearly as possible. His sole object in writing this imaginary history was to amuse himself and his neighbors.

"This was about the year 1812. Hull's surrender at Detroit occurred near the same time, and I recollect the date well from that circumstance. As he progressed in his narrative the neighbors would come in from time to time to hear portions read, and a great interest in the work was excited among them. It claimed to have been written by one of the lost nation, and to have been recovered from the earth, and assumed the title of 'Manuscript Found.' The neighbors would often inquire how Mr. Spaulding

progressed in deciphering the manuscript; and when he had a sufficient portion prepared, he would inform them, and they would assemble to hear it read. He was enabled, from his acquaintance with the classics and ancient history to introduce many singular names, which were particularly noticed by the people, and could be easily recognized by them. Mr. Solomon Spaulding had a brother, Mr. John Spaulding, residing in the place at the time, who was perfectly familiar with the work, and repeatedly heard the whole of it read. From New Salem we removed to Pittsburg, in Pennsylvania. Here Mr. Spaulding found a friend and acquaintance, in the person of Mr. Patterson, an editor of a newspaper. He exhibited his manuscript to Mr. Patterson, who was very much pleased with it, and borrowed it for perusal. He retained it for a long time, and informed Mr. Spaulding that if he would make out a title page and preface, he would publish it, and it might be a source of profit. This Mr. Spaulding refused to do. Sidney Rigdon, who has figured so largely in the history of the Mormons, was at that time connected with the printing office of Mr. Patterson, as is well known in that region, and as Rigdon himself has frequently stated, became acquainted with Mr. Spaulding's manuscript, and copied it. It was a matter of notoriety and interest to all connected with the printing establishment. At length the manuscript was returned to its author, and soon after we removed to Amity, Washington county, etc., where Mr. Spaulding deceased in 1816. The manuscript then fell into my hands, and was carefully preserved. It has frequently been examined by my daughter, Mrs. M'Kenstry, of Monson, Mass., with whom I now reside, and by other friends.

"After the Book of Mormon came out, a copy of it was taken to New Salem, the place of Mr. Spaulding's former residence, and the very place where the manuscript found was written. A woman preacher appointed a meeting there; and in the meeting read and repeated copious extracts from the Book of Mormon. The historical part was immediately recognized by all the older inhabitants, as the identical work of Mr. Spaulding, in which they had all been so deeply interested years before. Mr. John Spaulding was present and recognized perfectly the work of his brother. He was amazed and afflicted that it should have been perverted to so wicked a purpose. His grief found vent in a flood of tears, and he arose on the spot, and expressed to the meeting his sorrow and regret that the writings of his deceased brother should be used for a purpose so vile and shocking. The excitement in New Salem became so great, that the inhabitants had a meeting, and deputed Dr. Philastus Hurlburt, one of their

numbers, to repair to this place and to obtain from me the original manuscript of Mr. Spaulding, for the purpose of comparing it with the Mormon Bible, to satisfy their own minds, and to prevent their friends from embracing an error so delusive. This was in the year 1834. Dr. Hurlburt brought with him an introduction and request for the manuscript, which was signed by Messrs. Henry Lake, Aaron Wright, and others, with all of whom I was acquainted, as they were my neighbors when I resided at New Salem. I am sure that nothing would grieve my husband more, were he living, than the use which has been made of his work. The air of antiquity which was thrown about the composition, doubtless suggested the idea of converting it to the purpose of delusion. Thus an historical romance, with the addition of a few pious expressions, and extracts from the sacred Scriptures, has been construed into a new Bible, and palmed off upon a company of poor deluded fanatics as divine. I have given the previous brief narration, that this work of deep deception and wickedness may be searched to the foundation and the authors exposed to the contempt and execration they so justly deserve.

(Signed) "MATILDA DAVISON."

Briefly stated the history of the above document is this: Mormon missionaries make their appearance in Holliston, Massachusetts, and are successful in making some converts to their faith, among them several members and a deacon of the Presbyterian Church of that place. Whereupon the Reverend John Storrs, the pastor of this church, becoming concerned for his flock, and having learned of the Spaulding theory, he writes to his friend, the Reverend D. R. Austin, residing near Monson, where Mrs. (Spaulding) Davison was making her home with her daughter, Mrs. McKinstry, and urges him to secure a statement from her as to the connection between the writings of her late husband and the Book of Mormon. Mr. Austin made some inquiries of the old lady, wrote down notes as to her answers, then through the Reverend Dr. Storrs publishes this product as a signed statement of Mrs. Davison! The facts came out respecting this document in a letter of Mr. John Haven, of Holliston, Middlesex Co., Mass., to his daughter, Elizabeth Haven, of Quincy, Adams Co., (Illinois) which was published in the *Quincy Whig*. It represents that Jesse Haven, the brother of Elizabeth

Haven, to whom the letter is addressed, called upon Mrs. Davison and Mrs. McKinstry at their home in Monson, Mass., and spent several hours with them, a Dr. Ely also being present. During this interview Mr. Haven asked the following questions of Mrs. Davison.

THE HAVEN-DAVISON INTERVIEW

"Did you, Mrs. Davison, write a letter to John Storrs, giving an account of the origin of the Book of Mormon? Ans: I did not. Did you sign your name to it? Ans: I did not, neither did I ever see the letter until I saw it in the *Boston Recorder*, the letter was never brought to me to sign. Ques: What agency had you in having this letter sent to Mr. Storrs? Ans: D. R. Austin came to my house and asked me some questions, took some minutes on paper, and from these minutes wrote that letter. Ques. Is what is written in the letter true? Ans: In the main it is. Ques: Have you read the book of Mormon? Ans: I have read some of it. Ques: Does Mr. Spaulding's manuscript, and the Book of Mormon agree? I think some few of the names are alike. Ques: Does the manuscript describe an idolatrous or a religious people? Ans: An idolatrous people. Ques: Where is the manuscript? Ans: Dr. P. Hurlburt came here and took it, said he would get it printed and let me have one-half the profits. Ques: Has Dr. P. Hurlburt got the manuscript printed? Ans: I received a letter stating it did not read as they expected and they should not print it. Ques: How large is Mr. Spaulding's manuscript? Ans: About one third as large as the Book of Mormon."[72]

In addition to fixing the character of the Davison statement, it is quite remarkable how well the answers of Mrs. Davison describe the character of the Spaulding Manuscript now at Oberlin, and not at all the manuscript described by the Conneaut witness, or the manuscript generally contended for by the upholders of the Spaulding theory of the Book of Mormon origin. Mr. Schroeder, however, insists that "the dishonesty of the original publication of the Haven interview is pointed out in 'Gleanings

72. *Times and Seasons*, Vol. 1, (1839) p. 47. Not having access to the *Quincy Whig*, I quote this passage from the "Times and Seasons" as being most reliable, because published shortly after the letter appeared in the Quincy paper, and practically in the same neighborhood. This to insure the accuracy of the passage over which there is some controversy as will appear later.

by the Way'."[73] But is it? The Rev. John A. Clark, D. D., author of "Gleanings by the Way," published the alleged Davison statement in the *Episcopal Recorder* after which he came in contact with the Haven contradiction quoted above. Whereupon he wrote to the Reverend John Storrs who was responsible for the publication of the Davison statement. In the course of his reply to Mr. Clark's inquiries, Mr. Storrs said:

"It is very true Mrs. Davison did not write a letter to me, and what is more, of course, she did not sign it. But this she did do, and just what I wrote you in my former letter I supposed she did: she did sign her name to the original copy as prepared from her statement by Mr. Austin. This original copy is now in the hands of Mr. Austin. This he told me last week."[74]

The last sentence gives the exact value of this testimony, Mr. Austin told Mr. Storrs that Mrs. Davison had signed the statement. Mr. Storrs himself knew nothing about it beyond what Mr. Austin told him. This Mr. Schroeder, as a professional lawyer, knows is not testimony. But the Reverend Clark wrote Reverend Austin also, and Reverend Austin replied, in which the following occurs:

"The circumstances which called forth the letter published in the *Boston Recorder* in April, 1839, were stated by Mr. Storrs in the introduction to that article. At his request I obtained from Mrs. Davison a statement of the facts contained in that letter, and wrote them out precisely as she related them to me. She then signed the paper with her own hand, which I have now in my possession. Every fact as stated in that letter was related to me by her in the order they are set down."[75]

The statement of the Reverend Mr. Austin of course faltly contradicts that of Mrs. Davison; and when the contradiction is between a reverend gentleman on the one hand, and a venerable lady, the wife of a former but retired minister, (Reverend Mr. Spaulding) on the other, one may be justified in declining the delicate task of determining on whose side the truth lies; unless it may be found, as I think it may, otherwise than by directly

73. *American Historical Magazine*, September, 1906, p. 396, note 44.
74. "Gleanings by the way," p. 262.
75. "Gleanings by the Way," p. 264.

passing judgement upon the veracity of either of these worthy parties.

MRS. ELLEN E. DICKINSON'S REPUDIATION OF THE DAVISON STATEMENT.

Not only have we the denial of Mrs. (Spaulding) Davison as to this document not being signed by her, but we have the manifest contempt shown for it by Mrs. Ellen E. Dickinson, grand-niece of Mrs. (Spaulding) Davison. Mrs. Dickinson was the grand daughter of Wm. H. Sabine, already mentioned in these pages, the brother of Mrs. (Spaulding) Davison. Mrs. Dickinson wrote her "New Light on Mormonism" as the representative of the Spaulding family, to set forth "the family traditions" in relation to the subject, and represents her work as being "the only attempt of the Rev. S. Spaulding's relatives to set this matter in its proper light, a duty long delayed to the memory of an upright man!"[76]

Mrs. Dickinson devotes a number of her chapters to the elaboration of the Spaulding theory, and in an appendix publishes twenty-seven documents bearing either remotely or immediately upon the subject of the Spaulding manuscript; but the Davison statement is not admitted into the number, though indirectly, but without naming it, she makes a slight quotation from it respecting John Spaulding, brother of Solomon, who by the Davison statement is represented as being "amazed and afflicted that his brother's writings should have been perverted for such a wicked purpose." (i. e as forming the basis for the Book of Mormon.)

These words occur in the Davison statement and no where else. Mrs. Dickinson quotes them at page 79 of her book. As the source of her authority for the statement she gives reference to the appendix of her book, note 13. We turn to note 13 only to find that we are directed to "John Spaulding's statement—see No. 4". We turn to "No. 4", only to find the statement of John Spaulding as given in Howe's book in 1834, with not a word about his being "amazed and afflicted," or that "his grief found vent in a flood of tears," etc., also quoted

76. "New Light on Mormonism," preface, p. 4.

by Mrs. Dickinson from the Davison statement, and found no where else, and of which there is nothing in the note in the appendix of her book, which she cites as the authority for her statement.[77] This smacks of juggling with the Davison statement.

Mrs. Dickinson would not admit the Davison document into her collection of such papers, knowing doubtless its history; nor is she willing to deny to her narrative the rich dramatic effects infused into it, by the "Reverend" forgerer of it. We shall see further on how Mr. Schroeder manifests the same disposition towards it. That is, he repudiates its being a statement made by Mrs. Davison, but still he would retain this precious piece of histeria on the part of John Spaulding—the "amazement," the "affliction," and, above all, "the flood of tears;" not to adorn a tale, as in the case of Mrs. Dickinson, but to show the "spontaneity" with which the people of Conneaut detected the identity between Spaulding's "Manuscript Found" and the Book of Mormon.[78]

But to return to Mrs. Dickinson. If she had done her full duty in the premises as an author, she would have made reference to this forged statement credited to her grand-aunt and repudiated it in her name; but such a course is scarcely to be looked for in an anti-Mormon author, of especial bitterness. However, her silence respecting it, and her refusal to admit it into the collection of her documents in the appendix to her book, amounts to the same thing, the repudiation of it by the Spauldings.

REVEREND JOHN A. CLARK AND THE DAVISON STATEMENT.

Before proceeding further as to this Davison statement, in a direct line, just a word in relation to the Reverend John A. Clark, author of "Gleanings by the Way," and the spirit he is of. He prefaces his investigation of this Davison statement by saying that he does not think "that the truth or falsehood of Mormonism, in any degree turns upon the correctness or incorrectness of the foregoing statement of Mrs. Davison." Then

77. "New Light on Mormonism," p. 79; also appendix No. 13, No. 4, No. 14. "The New Light" appears a bit unsteady at this point.

78. *American Historical Magazine*, January, 1904, pp. 71, 72.

continues—"for deceit and imposture are enstamped upon every feature of this monster, evoked by a money digger and a juggler, from the shades of darkness"! This man is evidently in fine temper to act the impartial judge—to point out "the dishonesty of the original publication" of the Haven-Davison interview, quoted in the foregoing pages. But this is only a partial exhibition of the Reverend gentleman's state of mind in the matter, and we would not do him an injutsice.

Following the above ebullition of bitterness he immediately adds this pious thought, in the hope, perhaps, that his piety may balance in the scale his outburst of wrath: "Still if her [Mrs. Davison's] statement be correct, and is to be relied upon, the facts brought out by Mrs. Daviosn would seem to be one of those singular developments of divine Providence by which imposters are confounded, and their devices brought to naught."[79] Of this it is sufficient to say, that if the gentleman were living today he would be confronted with a very perplexing dilemma. In the event of his taking his stand on the correctness of Mrs. Davison's statement, he would have to lament the failure of "one of those singular developments of divine Providence, by which imposters are confounded and their devices brought to naught;" for the Book of Mormon, notwithstanding the efforts of the Reverend gentleman against it, in his "Gleanings by the Way," has been translated into ten other languages, since his day; has passed through many editions in a number of them, and sold by hundreds of thousands. It has resulted in gathering a people; in founding a church that has more of history behind it, and more of prospect before it, than any other modern religious movement in Christendom. On the other hand, if the Reverend gentleman should take his stand on the infalibility of divine Providence, singular or otherwise, from the striking failure of the Davison statement to confound an imposter and bring his devices to naught, he would be under the necessity of reversing his former decisions; he would have to conclude that the Davison statement was not true; and if he could not be brought to the point of acknowledging that he had been fighting against the truth, he would have the humiliation of discovering that he

79. "Gleanings by the Way," p. 259-60.

had, at least, sought to maintain a falsehood. Fortunately the gentleman is dead, and, let us hope, at peace.

But it is time to return from this digression. In addition to showing what the attitude of the Spauldings was to this document, through Mrs. Dickinson, I appeal from the conflicting testimony of the Reverend D. R. Austin and the venerable Mrs. (Spaulding) Davison, to the Davison statement itself as evidence that it is not the product of "an aged woman, and very infirm."[80] I ask any person capable of forming any kind of a literary judgment, to take the statement signed with Mrs. Davison's name, and then say, honor bright, if that is the statement of a woman in private life, much less of one "aged and infirm." Its introduction, almost ideal from a literary standpoint, when the purpose of the document is considered; the movement thence to the introduction of the evidence and its discussion; thence to the conclusion--so potent, and so desirable to a minister whose church had been invaded by successful Mormon missionaries, but so unlike a woman in private life, *viz*: "I have given the previous narration, that this work of deep deception and wickedness may be searched to the foundation and the authors exposed to the contempt and execration they so richly deserve." All this too plainly proclaims the professional hand to leave anyone in doubt as to where the truth lies as between the Haven-Davison statement and the Clark-Storrs-Austin story and argument in "Gleanings by the Way," which Mr. Schroeder so warmly commends to us as settling the "dishonesty of the original publication" of the Haven interview. Parley P. Pratt was right when in an article published in the *New Era* (New York, Nov. 1839). he said:

"A judge of literary production, who can swallow that piece of writing as the production of a woman in private life, can be made to believe that the Book of Mormon is a romance. For the one is as much like a romance as the other is like a woman's composition. The production, signed 'Matilda Davison' is evidently the work of a man accustomed to public address."[81]

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80. "Gleanings by the Way," p. 265. The statement is the Rev. Dr. Austin's. The New Haven statement represents her as "about seventy years of age and somewhat broke." *Times and Seasons*, Vol. 1, p. 47.

81. *New Era*, impression of November 25, 1839. Same is copied into the *Times and Seasons*, Vol. I, p. 47.

Mr. Schroeder reaches the same conclusion, and that largely too from the literary style of the article. Listen to this comment:

"The argumentative style and the failure to distinguish between personal knowledge and argumentative inferences is all readily understood when the history of this statement is made known. It seems that two preachers, named D. R. Austin and John Storrs, are responsible for this letter. Mrs. Davison never wrote it, but afterwards stated that "in the main" it was true. Even with her reaffirmance of the story as published, we cannot give it evidentiary weight except in those matters where it is plain from the nature of things that she must have been speaking from personal knowledge."[82]

There is but one conclusion possible on the point at issue. Mrs. Davison never made the statement, nor signed it. It was the work of the Reverends John Storrs and D. R. Austin—a forgery.

MUTILATION OF THE HAVEN-DAVISON INTERVIEW

At this point I take note of what Mr. Schroeder says in relation to an omission of a question and answer in the Haven-Davison interview in Elder George Reynold's "Myth of the Manuscript Found;" and also of what Mr. Schroeder characterizes as "John Taylor's lying perversion of this alleged interview as reported in his 'Three Nights Public Discussion'." The question and answer referred to are held, in effect, to re-instate the Davison document as evidence, after denying it to be Mrs. Davison's statement, or that she signed it. The question and answer are as follows: "*Ques*: Is what is written in the letter true? *Ans*. In the main it is." This is omitted in Elder Reynolds' "Myth of the Manuscript Found" (1883); and copying the Haven interview from his work into my own treatise of the Book of Mormon in the "Young Men's Manual" for 1905-6, the same omission, of course, is made; but of which omission this writer was ignorant until Mr. Schroeder's article called attention to it. Why the omission occurs in Mr. Reynolds' book, I do not know; and although Mr. Reynolds is still alive, his health is so shattered

82. *American Historical Magazine*, September, 1906, pp. 393-4.

at this time that it would be as useless as it is impossible to question him upon the subject.

Certainly there was no occasion for purposely making the omission since the Book of Mormon is equally defensible with the Davison statement in the record as evidence, or excluded. And as evidence that the omission was not intentional, on the part of Mormon writers, attention is called to the fact that in the *Times and Seasons* copy of the article from the *Quincy Whig,* (1840) both the above question and answer are published, (Vol. 1, p. 47). It is also published accurately in "Thompson's Evidence of the Book of Mormon," (1841); also in "The Origin of the Spaulding Story," by B. Winchester (1840) p. 17. In Mr. Taylor's work—so severely criticised by Mr. Schroeder, the question and answer stand as follows: "*Ques.* Is what that letter contains true? *Ans.* There are some things that I told him." Mr. Schroeder calls this a "lying perversion."

If this were the only variation in the document, as quoted by Elder Taylor, there might be justifiable suspicion that the change was purposely made and was intended to lessen the force of the answer; but, as throughout the version of the *Whig* article published in the "Three Night's Discussion"—held in France—there are quite a number of variations—and none of them contribute advantage to the pro-Mormon side of the controversy—there can be no other conclusion, than either that some inaccurate version of the *Quincy Whig* article had fallen into the hands of President Taylor while in France, and he printed from that imperfect version; or, it may be, that the *Quincy Whig* article had been published in French, and Elder Taylor's published account of it in his "discussion" was a translation of the French version back into the English. While I am aware that this view is based on conjecture merely, yet if the *Whig* article as published in the *Times and Seasons* be compared with Elder Taylor's version in the "Three Night's Discussion," the difference that exists between the two versions would not be greater than in two versions so produced. And the character of the variations warrant the conjecture. For example, take these passages:

Quincy Whig.

Ques. Have you read the Book of Mormon? Ans. I have read some of it.

The Taylor Version.

Ques. Have you read the Book of Mormon? Ans. I have read a little of it.

Quincy Whig.

Ques. Is what is written in the letter true? Ans. In the main it is.

Taylor's version.

Ques. Is what that letter contains true? Ans. There are some things that I told him.

Quincy Whig.

Ques. Does the manuscript and the Book of Mormon agree? Ans. I think some of the names agree. Ques. Are you certain that some of the names agree? Ans. I am not."

Taylor's version.

Ques. Is there any similarity between Mr. Spaulding's manuscript and the Book of Mormon? Ans. Not any, with the exception of some names, something similar the one to the other.

And so the variations run from beginning to end. They are just such variations, too, as would exist if the Taylor version was produced as conjectured. I trust I may be pardoned for being insistent at this point. I was personally acquainted with the late President John Taylor, and am also his biographer. His letters, official and personal, as also his journals, passed through my hands; his most private life was laid open to me, and I know him to have been a highly honorable gentleman, far above such low subterfuge as that charged against him in the coarse vulgarisms employed by Mr. Schroeder, and which, from no standpoint whatever, are justifiable.[83]

MR. SCHROEDER AND THE DAVISON STATEMENT.

There is something amusing in the attitude of Mr. Schroeder towards this Davison statement. Although Mr. Schroeder de-

83. See "The Life of John Taylor," by B. H. Roberts, (1892). Lest in some rejoinder to this reply Mr. Schroeder should return to this subject of the Taylor variations, in the Haven-Davison interview, and should seek further to establish his point of view by referring to what is sometimes alleged to be Elder Taylor's denial of the existence of the plural marriage system of the Church when he was in France, (1850) I wish to say that in the above "Life of John Taylor" the alleged denial is dealt with at length, pp. 222-5.

clares in so many words that "Mrs. Davison never wrote it," and hence must admit it to be a forgery by Reverend gentlemen, yet, since the Haven interview represents Mrs. Davison as saying that it was "true in the main," Mr. Schroeder dogmatizes thus in regard to this "piece of evidence":—"Even with her re-affirmance of the story as published, we cannot give it evidentiary weight, except in those matters where it is plain from the nature of things that she must have been speaking from personal knowledge."[84] Why, in the name of all that is reasonable? If her re-affirmance is to re-instate any part of the story as worthy of belief, why not all of it, and all the parts equally? Is Mr. Schroeder to pick and choose from his own witnesses as he will, allowing this, but discarding that, as suits his personal view of the Spaulding theory?

What is behind all this proposed jugglery? Simply this: I have already pointed out how vital to Mr. Schroeder's case it is to establish the existence of a second Spaulding manuscript, dealing with American antiquities, a "re-written" story different from this manuscript story now safely lodged in Oberlin college. There is nothing of all this in the Davison statement. This in the eyes of Mr. Schroeder is its first sin, one of omission. Another thing essential to Mr. Schroeder's contention is a second submission of the Spaulding manuscript to the Patterson-Lambdin publishers, after the Spauldings had made their home in Amity, Washington county, Pa. Mrs. (Spaulding) Davison "says," observes Mr. Schroeder, "that before leaving Pittsburg for Amity, her husband's manuscript was returned by the publishers." * * * "She seemingly remembers nothing of its second sub-mission while her husband resided at Amity, or else those who wrote and signed her statement didn't see fit to mention it."[85] This is the second sin of omission in the Davison statement. And right here it may be as well to notice another singular thing in reference to these Spaulding documents, the alleged Davison statement and Mrs. McKinstry affidavit, the former published in 1839, the latter in 1880—while both are very explicit as to affairs over at Conneaut, there is nothing said in

84. *American Historical Magazine*, September, 1906, p. 394.
85. Ibid, 392-3. (How careless of them!)

the statement of either about the readings of the manuscript alleged to have taken place before the Amity neighbors, whence come the Amity witnesses, Joseph Miller and Hollie McKee. This silence is all the more inexplicable because it was here that the final "polishing" and preparing for the press of the Schroeder-assumed "rewritten" manuscript was going on; and Mrs. McKinstry was more competent to remember such things than when at Conneaut, because then of less tender years. Indeed if the Davison statement is insisted upon as evidence, then Mr. Spaulding refused to have his manuscript published, even though Mr. Patterson suggested it, as he had only written it for his own amusement!

The next sin of the Davison statement is one of commission. The success of Mr. Schroeder's case against the Book of Mormon depends upon establishing his contention that Sidney Rigdon stole the Spaulding manuscript from the printing office of Patterson and Lambdin; and that, after October, 1816, (the time of Spaulding's death), the Schroeder-assumed "rewritten" manuscript was never in the hands of "anybody but Sidney Rigdon." But if the re-affirmance of the Davison statement is to be admitted at all, in evidence, then, according to Mrs. Davison, before the family removed from Pittsburg to Amity, the Spaulding manuscript was "returned to its author, and soon after," says the Davison statement, "we removed to Amity, Washington county, etc., where Mr. Spaulding deceased in 1816. The manuscript then fell into my hands, and was carefully preserved. It has frequently been examined by my daughter, Mrs. McKinstry, of Monson, Mass., with whom I now reside, and by other friends."[86]

This statement, let it be observed, would not fall within the items which even Mr. Schroeder would exclude from the Davison statement if readmitted as evidence; for it is very clear that as to this item the lady was speaking of a thing about which she had "personal knowledge," the "shibboleth" which gives "evidentiary weight" to what the lady is supposed to have testified to in this "shady" document. But against this damaging affirmation of the Davison document, about the return of the Spaulding

86. See Davison statement in the text above.

manuscript to its author, and Mrs. (Spaulding) Davison's subsequent possession and care of it, Mr. Schroeder says: "Upon the question as to whether or not Spaulding's re-written manuscript was in the possession of anybody but Rigdon at any time after October, 1816, Mrs. Davison's statement as published cannot in any sense whatever be considered as evidence."[87] (Sic!)

The reader will now better understand Mr. Schroeder's attitude: what agrees with his theory in the Davison statement shall be accepted, what contradicts it, must be discarded; and this may be applied to the gentleman's attitude to pretty much the whole mass of testimony upon the subject. The attitude of Mr. Schroeder, however, cannot be conceded as proper. Either he must admit the force of the Davison statement against his contentions, as well as where it favors them, or else he must discredit the Davison evidence altogether. One may not have his cake and at the same time eat it. We care not which he does in respect of this particular "piece of evidence." It will be equally advantageous to our argument, whichever he does.

But let us see in what plight this statement leaves Mr. Schroeder's case. If Mrs. (Spaulding) Davison is right about the return of the Spaulding manuscript to its author while yet at Pittsburg; that it was taken to Amity, and after the decease of Mr. Spaulding fell into the hands of Mrs. Spaulding, and "was carefully preserved" by her, and was "frequently examined" by her daughter,—then Sidney Rigdon did not steal it from Patterson and Lambdin's printing office, whatever Rigdon's connection with that office might have been; and Mr. Schroeder is under the necessity of abandoning one of the chief elements of his case; an element so essential that if abandoned his case collapses into confusion.

To Mr. Schroeder's mind the theft of the manuscript by Mr. Rigdon is the one circumstance that will harmonize all the alleged "established facts," and make the Spaulding theory tenable. To this end he repudiates four other theories as to how the Spaulding manuscript reached the hands of Joseph Smith, by him to be exploited as the book of Mormon.

87. See *American Historical Magazine*, September, 1906, p. 394.

Spaulding, with Mr. Patterson, at Pittsburg; also as to the contents of the trunk that had been taken to her uncle's, Wm. H. Sabine's, by her mother and herself shortly after the death of her father, containing the papers of her father; and there she claims to have seen the manuscript that the Davison statement says she "frequently examined;" and "on the outside of this manuscript were written the words, 'Manuscript Found'." She did not read it, "but looked through it," and had it many times in her hands and saw the names she "had heard at Conneaut," when her father read the said manuscript to his friends.[91]

Nothing could be more explicit than these statements of mother and daughter, and both were in the closest relations to Solomon Spaulding; and what they say is supplemented and emphasized by the grand niece of Mrs. (Spaulding) Davison, Ellen Dickinson, who, in her "New Light on Mormonism," represents Mrs. McKenistry as insisting that her mother, said,—and the impression is created that she repeatedly said it—"that Mr. Spaulding had assured her that he had recovered his original manuscript when Patterson had refused to publish it, and she never varied or doubted in this belief."[92]

WHY MR. SCHROEDER DISCREDITS THE SPAULDING WITNESSES

The question naturally arises as to how it is that Mr. Schroeder adopts this theory of Rigdon stealing the Spaulding manuscript when it involves him in the necessity of practically throwing overboard these two important witnesses of the Spaulding theory. We have already seen that Mr. Schroeder practically discredits the testimony of the Davison statement;[93] and with no less emphasis he throws over Mrs. McKinstry's testimony on the ground of her incompetency to be a reliable witness because of her tender age—from four to eleven—when the things happened of which she testified; and her great age—seventy-four, (seventy-seven," says Mrs. Dickinson,[94])—when she made her affidavit as to those distant happenings.

"That this woman, at seventy-four, should remember strange

91. See the McKinstry affidavit.
92. "New Light on Mormonism," pp. 23, 24.
93. *American Historical Magazine*, September, 1906, pp. 392-4.
94. "New Light on Mormonism," Preface.

First, the theory that Joseph Smith himself secured the manuscript from the house of Wm. H. Sabine in 1823 —(John Hyde's theory.)[88] Second, that Sidney Rigdon copied the manuscript while it was at the printing office of Patterson and Lambdin, (the Storrs-Austin-Davidson statement theory, and also the Spaulding family theory).[89] Third, that Joseph Smith copied it while working for Wm. H. Sabine (brother of Mrs. (Spaulding) Davison, be it remembered), about 1823, but leaving the original there. Fourth, the theory that Spaulding copied his story for the publisher "while keeping the duplicate at home to be afterwards cared for by the family." Of course, "these various theories" were all invented because of a supposed necessity of accounting for the alleged presence of the re-written 'Manuscript Found' in the trunk at Sabine's house after 1816, the date of Spaulding's death. So says Mr. Schroeder.[90]

Very naturally all those interested in maintaining the theory that Spaulding's manuscript was the original source of the Book of Mormon—except Mr. Schroeder—would be anxious to maintain the integrity of both the Davison statement and Mrs. McKinstry's affidavit, published in *Scribner's Magazine* for August, 1880, as the most valuable evidence in existence for the anti-Mormon side of this controversy. But to preserve that integrity they must vindicate Sidney Rigdon from theft of the Spaulding manuscript, for both these witnesses declare the Spaulding manuscript to be in their possession after the death of Spaulding in 1816. The Davison statement represents that the "Manuscript Found," the very manuscript in controversy, that Spaulding had placed in the hands of Patterson "for perusal," was returned to Spaulding before the family left Pittsburg; and at his death, two years later, fell into Mrs. (Spaulding) Davison's hands, and "was carefully preserved;" was frequently examined by her daughter, Mrs. McKenistry, "and by other friends." Mrs. McKinstry testifies as to the association of her father, Solomon

88. "Mormonism: Its Leaders and Designs," by John Hyde, Jr. (1857) p. 279.

89. "New Light on Mormonism," grand-niece of Mrs. (Solomon Spaulding) Davison, (1885). She declares that Mrs. McKinstry "remembers how her mother talked on the subject, expressing a firm conviction that Sidney Rigdon had copied the manuscript which had been in Mr. Patterson's office in Pittsburg," pp. 23, 24.

90. *American Historical Magazine*, September, 1906, p. 390.

names, casually repeated in her presence, before her sixth year, and those names wholly unrelated to anything of direct consequence to her child life, is a feat of memory too extraordinary to give her uncorroborated statement any weight as against valid contradictory conclusions drawn from established facts."[95]

In a casual re-statement of his theory that Rigdon stole the Spaulding manuscript, and pointing to the alleged related facts of that theory, Mr. Schroeder says: "These conclusions and much of the evidence upon which they are based will contradict Mrs. McKinstry's statement."[96] Then why adopt that theory? A direct answer is nowhere to be found on the face of Mr. Schroeder's articles; but one acquainted with all the variations of the Spaulding theory does not have far to go to understand the reasons. First, there is the shady transactions of the Reverends Clark, Storrs, and Austin in the production of the Davison statement that discredits it; and in Mr. Schroeder's view, the evidentiary value of this document is not very great.[97] Second, Mr. Schroeder knows, for reasons that he himself states, that the McKinstry affidavit is incompetent and cannot be held to establish the alleged facts detailed in it. "That this woman at seventy-four, should remember strange names casually repeated in her presence, before her sixth year, . . . is a feat of memory too extraordinary," is his own characterization of the absurdity.

Third, Mr. Schroeder knows that the other theories by which an effort is made to connect the Spaulding manuscript with Joseph Smith and the consequent plagiarism of the Book of Mormon from it are untenable. That is, he knows that the theory that Rigdon copied the Spaulding manuscript while it was at Patterson-Lambdin's printing office, the original being returned to Spaulding, cannot be established by evidence. He knows equally well that the theory that Spaulding himself made a copy of his story for the publisher while keeping the duplicate at home to be cared for by his family, cannot be successfully maintained. This copying a manuscript that makes a book of

95. *American Historical Magazine*, September, 1906, p. 392.
96. Ibid, 391.
97. Ibid, pp. 393-4.

600 pages, of more than 500 words to the page (see first edition of Book of Mormon), is not so easy a task, and the time necessary to such an achievement, by either of these men, make the theories impossible. Fourth, Mr. Schroeder also knows that the theory that Joseph Smith himself stole the Spaulding manuscript from the house of Wm. H. Sabine of Onondaga Valley, in 1823, at which time it is alleged that Joseph Smith worked for Mr. Sabine, cannot be established by evidence.

Fifth, Mr. Scroeder knows that the theory that Joseph Smith copied the Spaulding manuscript while at Sabine's is not only incapable of being established by evidence, but would be ridiculous, even if it could be proven beyond reasonable doubt that Joseph Smith ever worked for Sabine, in 1823, or at any other time, both on account of his age, than eighteen, certainly unschooled, and by some said not to be able to write at all.[98] Yet this man working as a teamster (for so it is said) copies a manuscript which afterwards makes a book of six hundred pages of five hundred words to the page! No wonder that Mr. Schroeder discredits this theory. With all these theories discarded, however, what remains for Spaulding theorists? Nothing but to charge the theft of Spaulding's manuscript to Sidney Rigdon, and to stick to it. To do this, however, they must follow Mr. Schroeder in discrediting the Davison statement; and declare the incompetency of the McKinstry affidavit, for reasons already considered. This destroys for the Spaulding theorists what some regard as the two most valuable documents, (contemptible as they are) on which the theory stands.

(*To be Continued*).

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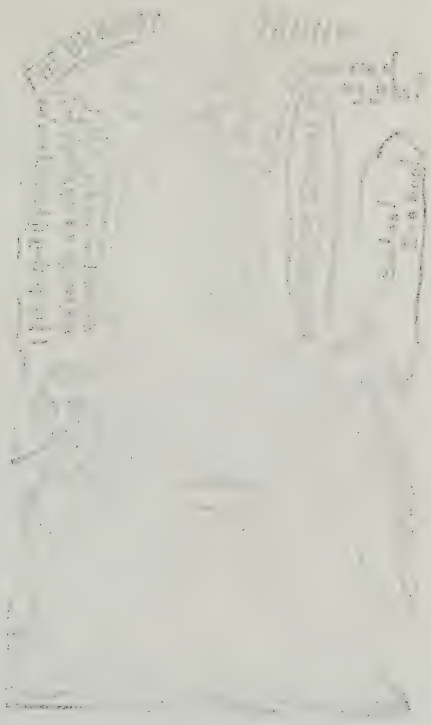
98. Mrs. Horace Eaton of Palmyra, "Hand Book of Mormonism."



WASHINGTON'S ARMY IN LOWANTICA VALLEY, MORRIS COUNTY, NEW JERSEY.

WINTER OF 1776-1777.

By Andrew M. Sherman,

Author of "Life of Captain Jeremiah O'Brien, Machias, Me."; "Historic Morristown, New Jersey: The Story of its First Century"; "Phil Carver: A Romance of the War of 1812," etc.

"I HAVE directed the three regiments from Ticonderoga to halt at Morristown, in Jersey (where, I understand, about 800 militia have collected), in order to inspirit the inhabitants, and, as far as possible, to cover that part of the country."

Thus wrote Washington on the 20th of December, 1776, to the president of the United States Congress, from the west side of the Delaware River, opposite Trenton, New Jersey; whither, on the 8th of the same month, he had hastily retreated with his "diminished and disheartened army." The letter, of which the above is but a portion, was written from the Keith house, situated on the road leading from Brownsburg, Pennsylvania, to what, in Revolutionary days was known as Eagle Tavern, near Newtown.

The "three regiments from Ticonderoga," it is particularly worthy of mention, composed the first body of Continental troops to enter Morris County, New Jersey, in the War of the Revolution. Preceding this locally notable event, however, General Alexander McDougall, on the 14th of December, 1776, visited Morristown, for the purpose, doubtless, of making the necessary arrangements for the accommodation of the Continental troops, which, under the command of Colonel Vose, reached the county seat of Morris only three days later.

Colonel Vose's command, as is gleaned from a contemporary

letter of McDougall to Washington, composed Greaton's regiment of 250 men; Bond's regiment of 100 men and Porter's regiment of 170 men—an aggregate of 520 men. In consequence of the arduous campaign in which they had participated in the northern department, each of these New England regiments, as the figures cited indicate, was very greatly depleted in numbers. The necessity for directing these Continental troops to "halt at Morristown," arose, quite largely, at least, from the fact that a regiment of Morris County militia, under the command of the valiant Colonel William Winds, had for several months been absent from the State, engaged in active service in the department of the north.

Where the Continental troops, under the command of Colonel Vose, were encamped during their temporary stay in Morristown, prior to the arrival of Washington's main army, it would be highly interesting to know; but so far as extant records indicate, the place cannot be positively designated. Nor do either extant records or local tradition furnish the slightest clew which might lead the investigator to the discovery of the exact camp-site of this New England brigade; composed probably of three Massachusetts regiments of the Continental Line, including, almost certainly, the 3rd., under the command, at that particular period, of Colonel John Greaton. It is not improbable, however, that in the near vicinity of the village green—perhaps on the south side of the green, somewhere between the present Bank and Market streets—"the three regiments from Ticonderoga" pitched their tattered tents, and hastily established their camp. This suggestion of the camp-site of Colonel Vose's troops is based upon the fact, that for several years that level piece of land on the south side of the green, had been used as a parade-ground by the local militia, the northern portion of the green being too uneven for such purpose.

Until he was stricken with illness, McDougall was in general command of the forces in Morristown; during which, by his request, the command was given to a New Jersey soldier, General William Maxwell, who had but recently arrived at the county seat. The Continental troops under the command of Colonel Vose were expected, after a brief sojourn at the county seat, to

join Washington; but apprehended danger to the powder mill at Morristown necessitated their remaining at that point.

The 800 militia referred to by Washington, in the letter quoted from at the opening of this article, were those under the command of Colonel Jacob Ford, Jr. (a native and resident of Morristown), known as the "eastern battalion." When Colonel Vose, on the 17th of December, 1776, arrived with his depleted New England regiments in Morristown, Colonel Ford, and his battalion of Morris County militia, were lying at Chatham; probably in the near vicinity of the Chatham bridge, a rude wooden structure which then spanned the Passaic River at a point about seven miles southeast of Morristown. To this place they had marched after the brisk engagement on the previous 14th of December, with the British force under the command of General Leslie, at Springfield, a short distance southeast of the "rude bridge" that spanned the Passaic. They were at this bridge awaiting the further movements of the enemy on the east side of the river. It is by no means improbable that Colonel Ford anticipated the early return of the British from Spanktown (now Rahway), and a second and more determined attempt on their part to reach Morristown. This could be successfully accomplished by the British force only by crossing the Chatham bridge at the point where Colonel Ford was posted, with his victory-flushed militia, ready and determined to oppose their passage into Morris County.

On the 23rd of December, the British, having for the time, at least, relinquished their designs upon the Morristown powder mill, Colonel Ford returned at the head of his plucky militia battalion, to the county seat of Morris, where, on the 31st of the same month, as is learned from a letter of the commanding officer, they were reviewed by Maxwell on the south side of the village green. Not until the arrival of Washington's main army in Morris County a few days later, was the "eastern battalion" disbanded.

After the brilliant and decisive engagements at Trenton, on the morning of December 26th, 1776, and at Princeton, near sunrise, on January 3rd, 1777, Washington, having relinquished the idea of attacking the British at New Brunswick, where immense

quantities of their military stores (and $70,000 in gold for the payment of the king's soldiers) had been collected, resolved to go into winter quarters in Morris County.

Ford's powder mill was furnishing the bulk of the powder used by the American troops in New Jersey; and by some writers it is said that Washington's entire army was dependent upon the product of this powder mill on the Whippany River. The former statement, however, is probably nearer the truth than the latter. There is scarcely a doubt, notwithstanding the phraseology of Washington's letter to the president of Congress, quoted from at the opening of this article, that among the reasons for the selection of Morris County for winter quarters for the American army, was the protection of Ford's powder mill, and the not inconsiderable quantity of gun-powder and other materials of war stored in the Continental House on the south side of the Morristown green. It was also highly desirable that the powder mill on the Whipping River be kept in unhindered operation until a sufficient quantity of gun-powder could be manufactured for the needs of the campaign of the following season.

The route of Washington's army, on its march into Morris County, was from Princeton over Rocky Hill, through Pluckamin (where they spent about two days, leaving there on the morning of January 6th.), Basking Ridge, New Vernon and the outskirts of Green Village, to the grounds previously selected for the encampment. These grounds were reached at about sunset of January 6th.

From the diary of Captain Thomas Rodney, of the Philadelphia Troop of Light Horse, it is learned, that "The order of march," from Princeton to Morris County, "was first a small advance guard, next the officers who were prisoners, next my light infantry regiment in columns four deep; next the prisoners flanked by the riflemen, next the head of the main column, with the artillery in front."

The people of the surrounding country, as reliable tradition informs us, turned out in large numbers to welcome the patriot troops, fresh from the victories of Trenton and Princeton, the advance news of which had greatly revived the waning hopes of loyal Jerseymen, and infused into them new courage and

increased determination to continue the struggle for independence.

The numerical strength of Washington's army, on its arrival in Morris County, including the three New England regiments already encamped there, was not far from 3,500 men. Among these troops, as may be gleaned from several reliable sources, were the skeletons of four or five Virginia regiments, and parts of several Continental battalions, aggregating about 1,000 men; and about 2,000 New Jersey and Pennsylvania militiamen. One of the most interesting facts gleaned from the extant manuscript diary of Captain Thomas Rodney, is embodied in the statement that "When the army reached Morristown the Adjutant, Captain Holland, was the only officer of the 1st. Delaware, left." Colonel Haslet, of this regiment, who remained with Washington after his men had returned home, because of the expiration of their term of service, was killed in the engagement at Princeton.

As to which of Washington's prominent officers accompanied him into Morris County, it is impossible to speak with certainty; but from a knowledge of the general officers who participated in the engagement at Princeton, only three days prior to the arrival of the American army in the county, and who were not, so far as reliable records state, immediately thereafter assigned to duty in some other parts of the general field of operations (as some were), it is a reasonable inference that among such officers were General Mifflin, then Quartermaster-General of the army; Generals Armstrong, Cadwalader, Dickerson, Hand, Hitchcock, Knox (chief of artillery), Lincoln, St. Clair, Stark and Sullivan, and Colonels Reed, Poor, Patterson, Ogden and Smallwood. It is almost certain that Captain Moulder, with his battery which had rendered such effective service in the engagement at Princeton, was among the officers who came with Washington to Morris County. Concerning several of the officers above named, it should be said, there is no little documentary evidence showing their probable presence in Morris County in the winter of 1776-1777.

General Stark remained in Morris County until winter quar-

ters had been established there, when he returned to New Hampshire with his men, their term of service having expired.

It was on the 12th. of April, 1777, that General Anthony Wayne joined Washington's army in Morris County. He was immediately placed in command of a brigade of troops there encamped, known as the Pennsylvania Line. He was subsequently given the command of a division composed of two brigades, eight regiments in all. The regiments of the first brigade were commanded as follows: 1st. regiment, Colonel Chambers; 2nd. regiment, Colonel Walter Stewart; 7th. regiment, Lieutenant-Colonel Connor; 10th. regiment, Lieut.-Colonel Hubley. Of the 2nd. brigade the regimental commanders were: 4th., Lieut.-Colonel William Butler; 5th., Lieut.-Colonel Johnson; 8th., Colonel Broadhead, and 11th., Colonel Humpton. These eight regiments were among the eleven newly recruited regiments organized during the winter in Pennsylvania. The aggregate number of Wayne's division was about 1,700 men. What was known as Conway's division, and commanded by that officer, comprised five Pennsylvania regiments, including Colonel Hausegger's German regiment.

During the month of April, 1777, General Daniel Morgan also arrived in the county of Morris with nearly 200 of his riflemen. He was received by the commander-in-chief with marked consideration. Morgan came in response to a summons from Washington, and in compliance with the orders of his chief, he organized, while in Morris County, a corps of 500 picked sharpshooters, who were known as "Rangers."

With regard to the number of men Washington had with him in Morris County, during the winter of 1776-1777, it may be said to have been fluctuating. On his arrival in the county on the 6th. of January, 1777, he had, as previously stated, in round numbers, 3,500 men. As early, however, as the 10th of January, the patriot army began to dwindle, as the following extract from Captain Rodney's diary shows: "Jan. 10, '77. The time that my men enlisted for expired today and most of them seemed determined to go home upon which I went to Gen. Cadwalader and brought him to our quarters and he informed them of the necessity of their staying a few days longer which they all

THE PRESIDENTIAL MANSION IN 1823
[From an Old Engraving]

agreed to do except Millis, Dawson, Pennington, Crelet and Maxwell who said *they would go*, but none of them went but Millis." Under date of January 14th., Captain Rodney records in his diary, that "This day the Infantry were ordered to bury General Hitchcock with the honors of war and as he was a Continental officer I took command myself." The extract from the diary of January 14th., however, which is of special value in the present connection, is as follows: "This day most of my company set off home though I tried all in my power to prevail on them to stay until the brigade went." "Today Lieuts. McCall, Tilton and Bullen who thought it was not worth while to stay as the rest were gone set off for home too and left no one with me but Robert McClermott. I dined today with Generals Cadwalader and Dickerson"—this entry is under date of January 15, 1777. There is evidence sufficient to warrant the statement that during the first winter Washington's army was in Morris County, its numbers were reduced from one cause and another, chiefly by expiration of their term of service, to 1,000 men. On the 24th. of January, 1777, the commander-in-chief wrote Governor Trumbull, of Connecticut, that "While our dependence is upon militia, we have a full army one day, and scarce any the next; and I am much afraid, that the enemy one day or other, taking advantage of one of these temporary weaknesses, will make themselves masters of our magazine of stores, arms, and artillery."

The camping grounds selected by Washington for his worn-out but victory-elated army, were situated in what was then, and for several years afterwards, known as the Lowantica (sometimes spelled Loantica) Valley, and were about two and a half miles southeast of Morristown village, and about one and a half miles northwest of Bottle Hill, now Madison. The site of these Revolutionary camping grounds may now be reached from the Morristown green by three routes. The one is by way of South Street, Madison Avenue, and thence through Kitchell Avenue. The second is by way of South Street and Woodland Avenue. A third route is down South Street, Madison Avenue to the first road on the right below Kitchell Avenue, thence down this picturesque road until

the house recently owned and occupied by Mr. A. B. Frost, the famous artist, is reached, when the tourist is on grounds made sacred by the presence, in the winter of 1776-1777, of the patriot army which at Trenton and Princeton had struck the death blows to the British cause in America. If the tourist takes the first route mentioned, he may, after reaching Kitchell Avenue, and going down the same about half a mile, find the Lowantica camping grounds by entering the fields opposite the recent residence of Mr. Frank R. Stockton, the famous author, and going across the fields in a southeasterly direction. If the second route mentioned is taken, one may reach the old camping grounds by turning off Woodland Avenue to the left a little to the eastward of the residence of Mr. Frederick C. Blanchard, and going in a northeasterly direction. By the third route given, when the tourist reaches the recent residence of Mr. A. B. Frost he will be standing near the center, approximately, of the Lowantica camping grounds—the center from east to west. That is to say, the encampment of Washington's army extended about an equal distance, east and west, from the spot now occupied by the recent Frost residence.

The valley in which the camping grounds under consideration were situated, is now known as Spring Valley, a most appropriate name for this region, it must be conceded, owing to the abundance of springs with which it is watered; but the appropriateness of the name seems to the writer a wholly inadequate reason for dropping the Revolutionary designation of the region which has been made sacred by the presence, in the winter of 1776-1777, of the patriot army for a period of nearly five months, and by the momentous events and incidents associated with the long encampment there.

The name, Lowantica, seems to have been first applied to the camping grounds of the American army during the Revolution. The valley received its name from the Indian name of the stream running through it in a southeasterly direction, and emptying into the Passaic River. About the year 1820 the region occupied by the patriot army received, and for several years thereafter, bore the name of Fevertown; a name suggested, doubtless by the fact of the prevalence of disease among the soldiers and residents in the winter of 1776-1777.

The camping grounds of Washington's army at Lowantica included portions of two farms, those of Mr. John Easton and Mr. Isaac Pierson. Mr. Easton's house is said to have stood a little southeast of the recent Frost residence; and it is not by any means improbable that it occupied practically the same site. Mr. Pierson's house was at the western extremity of the encampment, and occupied the present site of the picturesque residence of Mr. Frederick C. Blanchard. Both of these Revolutionary houses were plain, unpainted farm houses. The farms originally belonging to Messrs. Easton and Pierson, it is almost superfluous to say, have several times changed ownership since the American army was quartered there. The Easton farm passed into the hands of Mr. Vincent Boisaubin, a French refugee, soon after the Revolution, and from the heirs of Mr. Boisaubin it passed into the hands of Mr. A. M. Treadwell, about the year 1845. The most recent owner, excepting the present, was Mr. A. B. Frost, the artist. Mr. Isaac Pierson's farm was inherited by his son, Darius, and from him it passed into the hands of Mr. William M. Kitchell, father of State Geologist, Prof. William Kitchell. A little to the westward of Mr. Pierson's house was the house of Mr. Joseph Munson; the site of which is a few rods to the northeastward of the present substantial residence of Mr. M. L. Force, the florist. A short distance to the southeast of the recent home of Mr. Frost, and on the opposite side of the road, there is now a farm house, which is said to contain a portion of the material of the old Easton house of the Revolutionary period.

The grounds selected by Washington for the encampment of his army lay mainly on the southerly and southeasterly slope of a broad elevation of land, the crown of which furnished excellent protection to the camp from northerly storms and winds. Inasmuch as the winter of 1776-1777 was an extremely cold one, the half-clad and half-fed soldiers of the patriot army were not unappreciative of the protection thus afforded them.

On the arrival of the American army in the Lowantica Valley, almost the entire region was covered by a heavy growth of trees, of which chestnut seems to have formed a considerable portion. Only small parcels of ground, perhaps an acre or so, around

the houses of Messrs. Easton, Pierson and Munson, were cleared and under cultivation. There were, at the period under consideration, no fences dividing the lands of the trio of farmers mentioned; hence the camping grounds selected could be easily reached from all directions. The army, after breaking ranks in the road, probably entered the camping grounds from a point a little to the eastward of the house of Mr. Isaac Pierson, not far from the northerly side of what is now known as "Blanchard's Lake," a very pretty and artificially made body of water, which, in conjunction with other interesting features of the locality, attracts many visitors. In this then almost unbroken forest the jaded but jubilant soldiers of Washington's army pitched their tents, in which they were for two or three weeks quartered. The tents captured from the British at Princeton, only three days previously, were doubtless utilized by their none too well supplied captors in the establishment of their new camp. Meanwhile the forest trees were felled, and expeditiously prepared for the construction of log cabins which were to become their permanent quarters for the increasingly cold winter. The prostrate trees were first cut into suitable lengths. The logs were then notched at both ends. These notched logs were afterwards placed one upon another, until the height of about eight feet was reached. These formed the four sides of the cabins. The roofs were made of split logs. The openings between the logs in the sides and roofs of the cabins were first filled in with small pieces of wood, chips from the logs, probably; and afterwards carefully daubed with mud. The roofs were also covered with leaves, and then with gravel to keep the leaves in place.

In one end of each cabin a rude stone fire-place was constructed, at the top of which a chimney, composed of sticks and mud, and reaching but a few inches above the roof-ridge, was made. At the other end of the cabin bunks were constructed of slabs laid on crotched sticks driven into the ground. These rude bunks were filled with new straw procured of the farmers in the vicinity. A single blanket was the only covering of the occupants, unless, to employ a camp phrase, they "doubled up," which signified that two soldiers put their woolen blankets together, thus making two thicknesses of covering, of which each sleeper had the benefit. The large open fire-places were kept

filled, day and night, with hickory and rock oak logs, the blazing fires of which furnished both heat and cheer amid the deepening wintry gloom. An opening through the side of the cabins furnished light and ventilation for the soldiers, who, from necessity spent the greater part of their time in-doors; and slab shutters, with wooden hinges, were used for protection from the elements without. The doors of the cabins were also of slabs, and swung on the same kind of hinges. Of these cabins there were at least three hundred on the Lowantica encampment, and each accommodated about 12 soldiers.

Three streets, running in a northeasterly and southwesterly direction, and in a somewhat semi-circular form, were laid out; the one in the center of the encampment, which is referred to in local annals as the avenue, being about 65 feet in width. Along this central street the cabins of the commissioned officers were erected. These cabins were somewhat larger than those of the private soldiers, but otherwise they were similarly constructed. On both sides of the main street was a parallel street, about 40 feet in width, and along their sides the smaller cabins of the private soldiers were erected, either singly or in groups of four or five, according to the contour of the ground surface. There may also have been two other camp streets, making five in all.

At various points on the northerly side of the main encampment, with little regard to regularity, however, owing to the presence of several ravines (traces of which may still be seen), log cabins for different purposes were erected; some of these were perhaps used for the confinement of British and Hessian prisoners brought from Trenton and Princeton.

A few rods to the southeast of the main encampment, several very large cabins were erected for the use of the commissary department, sutlers, etc. The names of some of the sutlers who supplied the needs, real and imaginary, of the soldiers of the patriot army, have come down to the present generation; they are: Jonathan Bruen, Thomas Coyle, Daniel Thompson and Jonathan Nicholas, all residents of Bottle Hill. Referring to these enterprising sutlers one chronicler of local annals remarks, that "As it was their principal business to accommodate the drinking propensities of the Army, they very naturally located themselves in the immediate vicinity of the springs, showing

themselves, by these means, to be, in some degree, at least 'cold water men.'"

Still further to the southeast of the main encampment, and near the Lowantica stream, still meandering through the valley, were the quarters of the artillery and baggage-wagon horses. On a level piece of ground in the vicinity of the last mentioned quarters, the artillery and baggage wagons were arranged in orderly manner. It is probable that among the cannon thus arranged in line, were the eight or more brass field pieces captured from the British at Princeton, on January 3rd., 1777. It is said that the place selected for the quartering of the army horses, artillery and baggage wagons, was selected because of its remoteness from the road leading from Bottle Hill to Morristown; it being desirable to have them as far removed as possible from that thoroughfare, as a precautionary measure against raiding by the enemy by way of Short Hills.

In the center of the main street of the Lowantica encampment, a pole was erected, and from its top there floated the recently adopted United States colors. Every morning during that dreary winter, this flag was defiantly flung to the breeze. The central street, which was kept in excellent condition, was used as a parade ground for small bodies of soldiers, such as squads, companies, battalions and regiments; and here, to the thrilling music of fife and drum, they performed their accustomed evolutions and marches. Here, also, the various guard-mounts probably took place. The general parade ground, however, seems to have been on the broad plateau north of the main encampment, and probably included the land now occupied by what is sometimes spoken of as the "Minton place," and at other times as the "Muchmore place," the house facing on what is now Kitchell Avenue. This plateau, as the observing visitor cannot fail to perceive, is most admirably adapted for a general parade ground; and this patent fact, in conjunction with traditional intimations, makes it practically certain that here Washington not infrequently, in person or by proxy, reviewed the torn and tattered veterans and recruits of his beloved army during the dark days following his arrival at the Arnold Tavern.

From the springs, which to this day abound in the vicinity, including those which now feed "Blanchard's Lake," the soldiers

of Washington's army procured water for camp purposes. One of the springs used by the patriot army now supplies the recent Frost residence, a windmill furnishing the power by which the refreshing water is carried to the premises.

The Lowantica encampment lay among a series of hills extending from the Delaware River on the west, to the Hudson River on the east. In several of these hills signal stations had been established, prior to the arrival of Washington's army in Morris County. One of these signal stations was at Short Hills, at a point about six miles to the southeast of the patriot encampment; and there, an eighteen pound cannon, called "the old sow," was planted. This cannon was used in connection with the beacon fires to alarm the people when there signs of the approach of the British in the direction of Morris County. This cannon may now be seen at the world-famed Washington Headquarters, in Morristown, New Jersey.

From the Short Hills, the movements of the British to the eastward for several miles could be clearly discerned; and the slightest show of an attempt to move towards Morris County was at once announced by the firing of "the old sow" by day, and the lighting of fires upon the hill-tops from east to west, by night. This brought the minute-men and militia to the anticipated point of attack. The Chatham bridge was not infrequently the rallying point of the Morris County patriots, at such times. The Short Hills was also a strategic point of such importance that it was another rallying point. In its encampment at Lowantica, Washington's army was, therefore, practically secure from attack by the enemy, and this was among the reasons for selecting that locality for winter quarters. Another and important reason for such selection was the fact that the surrounding country, for several miles, was under cultivation, and hence could and did furnish material aid to the patriot army in the way of supplies.

A portion Washington's army, including the three regiments from New England, were billeted in private houses in various portions of Morris, Hanover and Mendham townships; Bottle Hill and Chatham, it may be remarked, were then included in Hanover township.

Washington's headquarters were at the Arnold Tavern, in

Morristown village, two and a half miles westward of the Lowantica encampment. Around the headquarters at Morristown a guard of twenty-six soldiers constantly patrolled. On the Ford place, about a mile to the eastward of the headquarters of the commander-in-chief, the regiment which furnished the guard was quartered. It was Rodney's light infantry regiment.

Several of Washington's prominent officers were also quartered in Morristown village, some at Arnold's Tavern, with their chief, and others in private houses in the village. General Nathaniel Greene, according to apparently trustworthy tradition, was quartered in the house of Mr. Nicholas Hoffman, a good-natured man who lived not far from the village green. Mrs. Hoffman was decidedly puritanical in her belief and mode of life, and was fond of discussing theology with visiting officers, some of whom are said to have taken issue with the zealous Presbyterian; chiefly, however, for argument's sake. Conspicuous among these argumentative officers was a major of the patriot army.

Other general officers of the American army were quartered at Bottle Hill, among them being General Wayne, whose quarters were in the house of Deacon Ephraim Sayres, an ardent patriot. General Maxwell was also quartered in a private house in the same village.

Some of the British and Hessian officers captured at Trenton and Princeton, and brought as prisoners of war to Lowantica, were quartered in private houses in the vicinity of the encampment. In the house of Mr. Joseph Munson, one of these British officers was quartered. His antipathy towards Americans was so rank, and his morbid fear of being poisoned was so great, that he would not partake of a meal of victuals without first carefully wiping his plate with the flap of his red coat. This officer was occasionally permitted to visit Morristown village under guard. During one of these visits he imbibed freely of applejack at one of the village taverns, in consequence of which he became thoroughly intoxicated. In this condition he attempted to make his escape, but was prevented by his alert guard. As a punishment for the attempt to gain his freedom, he was flogged next day in camp by soldiers detailed for that

service. In speaking afterwards of the episode, he remarked that he did not mind the flogging, "but to be put through the operation by these — — — rebels, that is more than flesh and blood can bear."

During the winter of 1776-1777, desertions from the American army were so frequent that Washington became alarmed. He addressed letters to Congress recommending the adoption, by the several States, of stringent laws against deserters. "Desertion must of course cease when the offenders find they have no shelter," were the closing words of one of Washington's letters. Several deserters from the Lowantica encampment were apprehended. A few were shot. At least one was required to "run the gauntlet," over the general parade ground near the "Minton place;" he subsequently became a good soldier.

In the year 1852, while excavating for the cellar of the house of Prof. William Kitchell, State Geologist, the bones of a human body were found. They were buried in the rear of the house. This fact was communicated to the writer by one who assisted in making the excavation, and who saw the bones. The name of this deserter is known to persons now living.

The writer was recently shown an English copper penny bearing the date of the year 1734; it was picked up near the site of the Munson house of Revolutionary days, by a gentleman who now resides in the near vicinity of the Lowantica encampment. This same gentleman informs the writer that he has found on the site of the old encampment not a few musket flints, such as were used by the soldiers of Washington's army.

In proof of the theory that the Lowantica camping grounds of the Revolution, a portion of them at least, were the site of an old Indian village, it may be said, that the gentleman above mentioned says he used, as a boy, to pick up "many Indian arrowheads on these grounds."

It was while the American army was encamped in the Lowantica Valley that the small-pox broke out among the soldiers. The dread disease seems to have made its first appearance late in December of 1776, or early in January of 1777. The Presbyterian and Baptist churches in Morristown village, and probably the Presbyterian church in Hanover village were used as hospitals for the soldiers and citizens stricken with the disease.

Several private houses in the vicinity of the Lowantica Encampment were also used as hospitals, either for the treatment of the small-pox patients, or for the purpose of inoculation, vaccination not then being known to medical science. In Bottle Hill, the house of Mr. Daniel C. Miller was used as a hospital for inoculation. The houses of Messrs. Elijah Pierson, James Brookfield and —— Harperee, were used as hospitals. Mr. Pierson's house was over the hill to the southwestward of the present residence of Mr. George W. Schieffelin. This house seems to have been used exclusively for inoculation, and for several months it was filled to its utmost capacity by soldiers and citizens who sought protection against the malignant disease. On the hill back of the present residence of Mr. Schieffelin, there was a small encampment, where soldiers only seem to have been taken for inoculation. The house of James Brookfield was on the road passing the Lowantica Encampment on the northwesterly side, and not far from the road leading from Green Village to Morristown. This house seems to have been used as a hospital for small-pox patients only. It is said that every room in the house was filled. Of the patients there treated, a large portion died, and they were buried in an orchard about twelve rods to the northwestward of the house. In the Harperee house about one and a half miles to the northwestward of the Lowantica Encampment, was the principal small-pox hospital. In this hospital many of the patients died, and they were buried in the southwest corner of the farm. Within a few years the numerous mounds, in regular rows, marking the burial places of these patriot dead, have been seen by not a few persons now living. Around the triangular piece of ground, containing about three-fourths of an acre, where sleep these almost forgotten dead, an old-fashioned worm fence once stood.

Would not the Morristown village green be a peculiarly suitable place on which to erect a monument to the memory of the American soldiers of the Revolution, now buried in the county, the graves of many of whom are unknown, and of more of whom the same will soon be true?

In the latter part of May, 1777, Washington's recuperated army broke camp at Lowantica, and with high hope marched away over the same route taken on its entrance into Morris County.

Skelton

Huntingdon

Orkney

Caithness

Gloucester

Wilesbury

BOOK OF BRUCE

BY LYMAN HORACE WEEKS

CHAPTER TWELVE

Line of the Saxon Kings

IN preceding chapters it has been shown how the Bruces of Scotland were descended from noble and royal ancestors of Normandy, Denmark, Norway, Scotland, and Ireland, inheriting their preeminence as a royal family from the great warriors who, violent and masterful, and yet with some display of rude statesmanship, opened the way for modern civilization on the western part of the Continent of Europe and the adjacent islands. Another royal descent was theirs; that of the Saxon kings who in the early centuries of the Christian era came to the island of Britain and laid the foundations for the wonderful nation that has in time been built to the admiration of all peoples.

Every schoolboy knows the story, how the Romans failed in the attempt to subdue the rude inhabitants of Britain, and abandoning their task left the islands to the semi-barbarious tribes that they had found there. Shortly the German tribes began to give attention to the island as a promising place for emigration and subjugation. Hengist and Horsa led the Jutes from Denmark in 449, and settled in Kent, becoming kings of that section. Then Aella came in 490 with his three sons, and made himself king of Sussex. Five years thereafter, in 495, Cerdic arrived with his son Cynric, and established the kingdom of the West Saxons, afterwards conquering the Isle of Wight. Cerdic was really the first king of the Saxon line which, for several centuries, held the land and its people, foreign and native, full in control and finally developed the nation of England out of this raw material. He has been called "the third monarch of the Englishmen." His ancestry has been traced

through eight generations to Odin, the great Scandinavian lord.[1] Gibbon called him "one of the bravest of the children of Wodin."

Cerdic came with a great force of ships and men, and from the time of his first landing, which was made at the mouth of the Itchin, he was uniformly successful in all his movements and in beating back the natives further and further to the interior of the island. His progress of conquest, although slow, was continuous and decisive, and finally he was able firmly to establish throughout the valley of the lower Avon those who came with him and others who followed after. There he became king of the West Saxons in 519. He died in 534 but not until he had seen his followers fixed in their new home, and could look forward with much of certainty to the future growth and development of a people already beginning to bear the impress of nationality.

It was a century and a half, however, after the reign of Cerdic, before the compact nation that we now know as England had come surely into stable existence. In the course of time seven different Saxon kingdoms, known in history as the heptarchy, existed in Britain. Of these the most powerful was that of Wessex where the descendants of Cerdic ruled. From Cerdic to Egbert many kings in direct line of descent ruled over Wessex. Rivals to them were the kings of the other Saxon states and all were continually in war with each other.

Gradually Wessex, or West Saxon, grew more and more powerful until it finally engulfed all the other Saxon states, Kent, Northumberland, East Anglia, Mercia, Essex, and Sussex. The situation was somewhat similar to that which existed in Denmark before the time of Harald Harfagra who conquered the other independent earls about him and consolidated their principalities into the kingdom of Norway. The difference was that in Britain the several Saxon kings were more powerful and more independent and possessed royal powers as well as royal descent, holding themselves in that respect not inferior to the kings of Wessex. But the descendants of Cerdic finally acquired sufficient strength to dominate the other kingdoms and maintain

1. "Manual d'Historie, de Genealogie et de Chronologie," by A. M. H. J. Stokvis.

themselves as the sole royal house in southern and western England. This was the condition of things when Ealhmund, the direct descendant in male line from Cerdic, was the ruling king of the West Saxons. With his son Egbert began what is generally accepted as the Saxon line of the kings of England.

Egbert or Ecgberht, son of Ealhmund, was, in his youth, driven from England by the joint action of Offa, king of Mercia, and Beorhtric, king of Wessex. He found safe refuge in the court of Charles, king of the Franks, afterward the Emperor Charlemagne, where he remained nearly thirteen years. It is supposed that he was banished in 789, and upon his return to England on the death of Beorhtric in 802, being well-accomplished in the arts of war, diplomacy, and government, he was accepted by the West Saxons as their king. At once on assuming control of affairs he was beset by uprisings of the people of Wales, Mercia, Northumbria, and other kingdoms, but compelled submission until he had united all the English race under one over-lordship. He was not wholly king of England but the kings over the different divisions of the country were dependent upon him and acknowledged his authority. In 834 he met a great force of invading Northmen in Dorsetshire and was defeated by them, but two years later he was more successful in routing the same enemies. He died in 839 having reigned more than thirty-seven years. He married Redburga. His children were Ethelwulf, of whom below; Aethelstan, who ruled over Kent and Essex; Editha, who became abbess of Pellesworth.

Ethelwulf, son of Ecgberht, during his father's lifetime, took part in the battling for the control of England, and succeeded to the kingship of Wessex on the death of his father in 839. Soon after he was mounted on the throne he lost his disposition for military affairs and endeavored to lead a quiet life, leaving to followers the work of defending the kingdom. In his times the Danes renewed their onslaughts but suffered defeat and the loss of many men so that temporarily they abandoned all efforts to conquer the land of the English.

He married, first, Osburgha, daughter of Oslac, the thane. Oslac was a Goth descended from Stuf and Withgar who, the

best commentators agree, were probably grandsons of Cerdic and sons of a sister of Cynric. He was a pincerna, butler or cupbearer, of England, that being an office frequently held by nobles of distinction. He belonged to one of the ancient princely lines of the Jutes of Wight, established on that island after its subjugation by Cerdic. Etheiwulf married, second, Judith, daughter of Charles the Bold, king of France. His children by Osburgha were, Ethelstan, king of Kent, who died in 852; Ethelbald, who helped his father to achieve the victory over the Northmen at Ockley, in Surrey, in 851, became king of the West Saxons during his parent's life and, after his father died, married his father's widow, Judith, this scandalous union bringing upon him both church and secular condemnation; Ethelbert, king of Kent after the death of Ethelstan; Ethelred, king of Wessex, after the death of Ethelbald in 866; Alfred, of whom below; Ethelswith, who married Burhred, king of Mersia, and died a nun in 889.

Alfred or Aelfred, son of the preceding, was born in Wantage, Berkshire, in 849. Early in life he engaged actively in the fighting that had been going on for generations to keep the Danes out of England, and by 880 he had enlarged the bounds of his kingdom and had made himself recognized as the only English power in Britain able to bring the whole country into union and independence. Further warfare ensued but the country was nearly free from Danes by 897.

As a warrior, patriot, and legislator Alfred became the most famous of the race of Cerdic. An English writer says of him that he

"is the one great character of our early history whose name still lives in popular history. . . . Popular belief has made him into a kind of embodiment of the national being; he has become the model English king, indeed the model Englishman."[2]

The same writer, asserting that he has received credit for many things that he did not do, adds:

"and yet even the legendary reputation of Alfred is hardly too great for his real merits. No man recorded in history seems ever to have united so many great and good qualities."[2]

Historians of all ages have united in his praise. Keightly compared him with Marcus Aurelius, Mirabeau esteemed Charlemagne as his inferior, and Voltaire maintained that there never existed on the earth a man more worthy of posterity's respect. He died October 28, 901.

He married, in 868, Ealhswith, daughter of Ethelred, surnamed the Mickle, earldorman of Mercia, and his wife Eadburk. She died between the years 902 and 905. His children were: Eadward, of whom below; Ethelward, who was born in 880 and who died in 922; Ethelfleda, who married Ethelred, duke of Mercia, became known as The Lady of Mercia and, after the death of her husband, administered the affairs of the kingdom with marked ability; Ethelgiva, abbess of Shafteshury; Elfthryth, or Alfritha, who married Baldwin II., count of Flanders, and was the great-great-great-grandmother of Baldwin V., count of Flanders, whose daughter Matilda was the consort of William the Conqueror; she died in 929.

Edward, or Eadward, called the Elder, eldest son of King Alfred and Ealhswith, bore the title of king as early as 898, being recognized as his father's chief supporter and assistant. Upon the death of his parent he was chosen by the witan to succeed to the throne. He ably carried on the work of upbuilding and strengthening the kingdom that had been begun by his predecessor and his success brought to him the title of "the unconquered king," as recorded by the historian Florence of Worcester. He died at Farndon in Northamptonshire in 924 in the twenty-fourth year of his reign.

He married, first, Ecgwyn or Egwina, a lady of high rank; second, Elfreda or Aelfaed, daughter of Earl Ethelhelm and his wife Ealhswith; third, Edgiva, or Eadgifu, daughter of the Earl Sigelline, lord of Meapham, Culings, and Lenham in Kent. His children by Egwina were: Athelstan, who was born about 894 or 895 and succeeded his father on the throne and under whom the sovereignty of the whole island was achieved and the kingdom of England fully established before his death in 941; Editha, or Eadgyth, who married Sightric, the Danish king of Northum-

2. "Dictionary of National Biography," by Leslie Stephen.

bria. The children of Edward by Elfreda were: Edward; Edwin, drowned at sea in 933; Elstela, a nun at Wilton or Ramsey; Egvina, or Eadgiful, who married, first, in 919, Charles the Simple, king of France, by whom she had King Louis and a daughter Gisella, first wife of Rollo, duke of Normandy; Ethelhild, a nun at Wilton; Ethelda or Eadhild, who married Hugh the Great, count of Paris; Elfgifu or Adela, who married, about 936, Eblus, son of the count of Aquitaine; Edith, or Eadgyth, who married, in 930, Otto, afterwards emperor of Germany, and who died in 947. The children of Edward by Edgiva were: Edmund, of whom below; Edred, who came to the throne and died in 955; Edburga, a nun at Winchester; Eadgifu, or Edgiva, who married Lewis, king of Arles or Provence; Gregory, abbot of Einsiedlen.

Edmund the Elder, son of Edward the Elder and his wife Edgiva, was born about 922. He succeeded to the throne after the death of his elder half-brother in 941. His reign of nearly six years was strenuous for he was in constant warfare with the Danes, the Norwegians, and the northern Celts. He died in 946. At a banquet in celebration of the feast of St. Augustine he was stabbed to death by an outlaw named Liofa. He married, first, Elgiva, or Elfgifu, a princess of exemplary piety who died in 944 and was hallowed as a saint. He married, second, Ethelflaid, daughter of Elfgar, an earldorman. His children by Elgiva were: Edwy or Eadwig; Edgar, or Eadgar, of whom below.

Edgar the Peaceful, son of the preceding, was born in 944, the year of his mother's death. Before he ascended the throne, Edred his uncle and Edwy his brother ruled, the first for nine years and the second for four years. There was some fighting in the early part of his reign, with the Welsh and the Northumbrians, but on the whole his rule was "a period of national consolidation, peace, and orderly government." He was particularly successful in the pacification of the Danish people settled in Britain. Although he held the scepter from 959, he was not crowned until 973, the ceremony taking place at Bath on Whitsunday. After the coronation he sailed to Chester and it is recorded[3] that there eight Anglo-Saxon kings, Kenneth of Scot-

land, Malcolm of Cumberland, MacOrsie of Anglesey and the Isles, Inkel of Westmoreland, Jago of Galloway; and Howel, Dyfnwal, and Griffith of Wales, met him and swore to be faithful to him, and to be his fellow workers by sea and by land.

Edgar was devoted to the church and a generous patron of the monks, and enacted wise laws for the government of his people. The characteristic of his reign which most impressed the men of his own time was well expressed in the saying "God granted that he dwelt in peace." He died July 8, 975, at the early age of thirty-two and was buried at Glastonbury. Fifty years later he was reverenced as a saint. He married, first, about 961, Wulfrid or Wulfthryth; second, Elfleda, or Ethelflaed, known for her beauty as "the white duck," daughter of Ordmar, earldorman of East Anglia; third, Elfrida or Elfthryth, daughter of Ordgar, earldorman of Devonshire. His children by Wulfrid were: Edith, or Eadgyth, who was born in 962, became a nun of Wilton, where her mother is said to have been abbess, and was sainted after her death in 984 at the early age of twenty-three; Edward, who was king in 975 and being assassinated in 978, at the instigation of his stepmother Elfreda, became known as Edward the Martyr. His children by Elfrida were: Ethelred, of whom below; Edmund, who died in 971 or 972.

Ethelred II., surnamed the Unready, son of Edgar and Elfrida, was born either in 968, or in 969. Succeeding his brother Edward he was crowned at Kingston by the Archbishop Dunstan in 978 or the next year. From the beginning of his reign evil was prophesied concerning him and events bore out the prognostications. The Danes and Northmen renewed their attacks upon the coasts of England and for nearly a quarter of a century carried on their depredations. Various expedients were adopted to free the country from these marauders. Treaties were made with them; from time to time their departure was purchased by the payment of large ransoms; occasionally they were beaten in battle; in 1002 there was a cold-blooded massacre of those then living in England.

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3. "Chronicles of Florence of Worcester."

Still the invasions continued until, in 1013, Sweyn of Denmark, who had already led many expeditions thither, came again with a splendid fleet and received the submission of all northern England. Ethelred fled to Normandy for safety. He returned shortly after and drove out the Danes under Canute, but his triumph was the only temporary and with him the Saxon rule of England practically came to an end. He died in London, April 23, 1016.

He married, first, in 984, Elgiva or Elfgifu, daughter of Thored, an English earl; second, in 1003, Emma, called for her beauty, "the pearl of Normandy," daughter of Richard I., duke of Normandy. His children by Elgiva were: Ethelstan, who died in 1016; Eegberht, who died about 1005; Eadmund, of whom below; Eadred; Eadwig, who was banished by King Canute and slain by his order in 1017; Eadgar; Eadward; Wulfhild, who married Ulfcytel, earldorman of East Anglia; Eadgyth, who married Eadric Streona, earldorman of the Mercians; Elfgifu, who married Earl Uhtred. His children by Emma of Normandy were: Eadward, who was born in 862, ascended the throne on the death of the Danish king Hartheanut in 1042, and was known as the Confessor, his devotion to religion and his munificence to the church winning ecclesiastical commendation so that in 1161 he was canonized by Pope Alexander III.; Aelfred, who was slain in 1036 by Earl Godwin; Godgifu, who married, first, Drogo, count of Mantes and, second, Eustace, count of Boulogne.

Edmund II., or Eadmund, called Ironside, son of Ethelred the Unready, was born after 981. He inherited the throne on the death of his father in 1016 and made a bold effort to revive the falling fortunes of his house. He could not wholly overcome the Danes under Canute and finally was forced to divide the kingdom with the Danish rival for the throne. He died suddenly November 30, 1016. The cause of his death is left uncertain by the chronicle writers but there is very general agreement that he was assassinated at the instigation of his brother-in-law Eadric Streona. He married, in 1015, Algita or Ealdgyth, widow of the Danish earl Sigeferth. His children were: Edmund, who fled with his brother from England to escape from the victorious

Danes, and was protected and educated by Solomon, king of Hungary; Edward, of whom below.

Edward, surnamed the Outlaw, son of the preceding, was long an exile from his native land during the reigns of the last kings of his line. He lived at the court of Hungary, until recalled by his uncle Edward the Confessor in 1057 that he might be made heir to the throne. He died within a month after reaching London. He married the Princess Agatha, daughter of Henry II., emperor of Germany. His children were: Edgar, the Atheling, who married Margaret, sister of Malcolm III. of Scotland, and died without issue; Christiana, a nun; Margaret, who married Malcolm III. of Scotland and became the ancestress of the Bruces.

CHAPTER THIRTEEN

Bruce Ancestry from Royal Houses of Continental Europe

As has been already shown in other chapters, the Bruces of Scotland derived their claims to regal rights and honors from the ancient Scottish kings and the Irish kings who preceded those first conquerors of North Britain, and also from the original Saxon line of English kings. Beyond that they had the distinction of being allied to the princes and earls of Scandinavia, as was pointed out in the chapter on their Scandinavian origin. Their royal ancestry was not, however, limited to those pedigrees, for they could boast also of descent from the great ruling houses of Continental Europe which, in the opening centuries of the Christian era, were dominant in the control and direction of affairs in that part of the world.

By the marriage of the seventh Robert Bruce with a descendant in the sixth generation from William the Conqueror, subsequent Bruce generations had the inheritance of the blood of the masters of Western Europe. From William the Conqueror they went back through the dukes of Normandy until this line of their pedigree met an ancestor who was the common founder, on the male side, of both the Bruce houses and that of Normandy. Also through the line of William the Conqueror they

traced to the Emperor Charlemagne and his ancestors of the Carlovingian line of princes, to the house of Vermandois, and to other famous overlords of mediæval times in Germany and France. Through Matilda, the consort of William the Conqueror, they went back to the house that produced the celebrated and powerful counts of Flanders and to the noble families that were allied to and became part of that line.

Rollo, who was the founder of the ducal house of Normandy, was the son of Rognvald, earl of North Mere and South Mere in Norway, by his wife Hilda, daughter of Rolf Nefa. Einar, who became an earl of Orkney and was in the direct male line of Bruce, was his half-brother. He was a very tall man and wherever he went he marched a-foot rather than ride on the small Norwegian ponies. For this peculiarity he was nicknamed Ganger or Walker, and was thus known throughout his life. When he came to mature years he developed into a man of ambitious and turbulent character. And it was soon apparent that he was marked by destiny for greater things than were possible to the narrow field of his native land.

King Harald of Norway was then engaged in his effort to bring the lesser chieftains or earls of that country under his centralized control and to bind them into something that should resemble a united nation. One of the first measures that he instituted for the accomplishment of this end was to interdict the predatory warfare that these independent or semi-independent lords had hitherto been accustomed to wage upon each other, his plan being to make them more and more interdependent and to establish more kindly relations between them. Rollo was impatient of this exercise of authority by Harald and would not yield to the domination of that prince who was so rapidly growing in power and influence. Holding himself entirely free from Harald and the other earls who had already acknowledged themselves as dependents of Harald, he continued to plunder according as opportunity offered.

"Rolf would be ever a-harrying in the East-lands, and on a summer when he came to the Wick from his Eastland harrying he had a strand-slaughtering there. King Harald was in the Wick at that time, and was very wroth when he heard hereof,

for he had laid a great ban upon robbing in the land. Wherefore at a Thing (or assembly) he gave out that he made Rolf outlaw from all Norway. But when Hild, the mother of Rolf, heard thereof she went to the King and prayed him for the peace of Rolf; but the King was so wroth that her prayers availed nought. Then sang Hild:

> 'Thou hast cast off Netla's namesake;
> Brave brother of the barons,
> As a wolf from the land thou drivest.
> Why waxeth, lord, thy raging?
> Ill to be wild in quarrel
> With a wolf of Odin's warboard.
> If he fare wild in the forest
> He shall waste thy flock right sorely.' "[4]

Thereupon Rollo decided that, rather than yield to Harald, he would break with that prince and hold to his independence. He brought together a small fleet of vessels and manned them with followers who were as independent and as venturesome as himself, and sailed away from Norway seeking new adventures. First he went to the Hebrides, overrunning those islands, and it is said that he even planned to invade the greater island of Britain from its north shores and attempt the conquest of the people there. It is a singular coincidence that, having been diverted from this project, it was left to his descendants several generations later to accomplish the same purpose by entering England from the south and acquiring domination of the land that their far-away ancestor had cast covetous eyes upon.

With Rollo at this time other councils prevailed, and he turned the prows of his vessels toward the mainland of Europe, stopping on the way thither to conquer Friezeland. Arriving at the continent he established himself and his companions in Neustria, making the city of Rouen his headquarters. Years of fighting with King Charles of France followed, but his mastery of Neustria was finally acknowledged and that province was erected into the duchy of Normandy. The first duke was a man of uncommon wisdom and energy and before he died he had established Normandy firmly among the powerful nations of the

4. "Heimskringla," by Snorre Sturlason.

world. He accepted Christianity, in form at least, and upon being baptized received the name of Robert.

He died about 931. He married first, Gisela, daughter of King Charles the Simple of France; second, Papia, daughter of Berengier, count of Bayeaux. His children, by his wife Papia, were: William, duke of Normandy, of whom below; Robert, Count of Corbeil, whose descendants became the ancestors of the noble English families of Gloucester and Granville; Crispina, who married Grimaldus I., prince of Monaco; Gerletta, who married William II., duke of Aquitane, their great-great-granddaughter Eleanor, duchess of Aquitaine, becoming the wife, first, of Louis, king of France, and, second, of Henry II., King of England.

William, son of the preceding, was surnamed Longa Spatha, or Long Sword. He succeeded to the ducal throne upon the death of his father in 931. His reign was short and troublesome, and he left a record of feebleness as a governing prince. He was well-intentioned, but his abilities were of less marked character than those of his father. He was surnamed Sans Peur, a sufficient indication of his character and of the popular estimation in which he was held. His death was accomplished through the treachery of Arnulph, count of Flanders. Disagreements existed between him and the princes of adjoining kingdoms, and he was persuaded to a conference to discuss the difficulties and an arrangement of terms for peace. There, however, he met death instead of peace, being murdered by Arnulph. He died in December, 943. He married Adela, daughter of Hubert, count of Senlis.

Richard I., son of the preceding, was born in 933, and therefore was only ten years old when his father's death put upon him the burden of the dukedom. Following a regency of a few years he assumed personal direction of affairs and reigned for fifty-five years. During his lifetime wars with other nations were incessantly waged by him, with varying results but generally to the success of the arms of Normandy. Among the great contests that he was called upon to engage in were those with Hugh the Great of France, and Otho of Germany. He was renowned for his bounty to the clergy, and built the cathedral at Rouen,

and other religious edifices. In his discussion to the dukedom he was Richard II. He married Gomor, a lady of high birth, and by her had four sons and three daughters. His daughter Emma married, first, Ethelred of England, and after the death of her husband, married, second, Canute the Great of England, and became the mother of Hardicanute. This alliance constituted the substantial basis for the claim which several generations later the famous descendant of Duke Richard I., William the Conqueror, set up and successfully maintained for the possession of England.

Richard II., the eldest son of the preceding, was surnamed the Good. He reigned thirty years after succeeding to the dukedom upon the death of his father, and during that time was celebrated for his display of desire for justice, for his courage, and for his religious disposition. He was well beloved by the people over whom he was on the whole a beneficent ruler. He won the esteem of the neighboring princes and nobles and was less in war than most of his predecessors or contemporaries. He was a strong ally of the king of France and assisted that monarch in the conquest of Burgundy.

He died at Fecamp, August 23, 1026. He married, first, Judith, daughter of the duke of Brittany, by whom he had six children; second, Estrith, sister of King Canute and daughter of Swene, king of Denmark; third, Papia, a Danish lady of good family. By his wife Judith he had Richard, the third duke of Normandy, who died in 1027 without issue, and Robert, who succeeded his brother. Leonore, his daughter, married Baldwin IV. of Flanders, who was the father of Baldwin V. and the grandfather of Matilda, who became the wife of William the Conqueror, the grandson of this Richard.

Robert, duke of Normandy, son of the preceding, was surnamed Le Diable, although his character seemed anything but deserving of that nickname, for according to one of the old chroniclers he was "courteous, joyous, debonnaire and benign." He was better called the Magnificent, and after he had succeeded to the dukedom he was engaged actively in measures to broaden the extent of his possession and to strengthen his power. He helped to restore King Henry of France to the throne from which

that monarch had been excluded, and in 1051 made an important visit to the English court for the purpose of securing his recognition by Edward the Confessor as a possible heir to the English throne. Already a Norman party had developed in England and Duke Robert evidently considered the time opportune to press the interests of his family in that direction. In the eighth year of his reign he made a journey to the Holy Land, and on his way home he died at Nice in June, 1035, and was buried in a church in that city.

William, son of the preceding, was born at Falaise in 1027 or 1028. He was a favorite with his father who, as soon as the boy came to maturity, began to plan to have him as his successor, although by birth he was not entitled to that advancement. When Duke Robert set out on the pilgrimage to the Holy Land that ended in his death, he called his nobles and other followers about him and indicated in the strongest terms his desire that William should be accepted as his successor. The nobles yielded to his wishes and therefore upon his death in 1035 William was recognized as the head of the house. The new duke proved to be a man of wonderful energy and discretion and of marked skill as an administrator of government.

The agitation in England for the reception of the Normans as a ruling house, that had been begun in the reign of his grandfather, had developed to a high point by this time and it was clearly recognized that Duke William had before him every opportunity that an ambitious man in those days could desire to add the island across the Channel to his own already large and powerful domain. Upon the death of Edward the Confessor the contest for the rich prize waxed strong between Edgar, the last of the Saxon line, Harold Godwin, of an ambitious but not royal house, and the duke of Normandy.

Every reader of history knows the result. In the battle of Hastings, in 1066, William of Normandy overthrew the Saxon rule of England and planted himself so firmly upon the island of Britain that the old Saxon authority forever disappeared. For over twenty years he ruled as king of England and at the same time was duke of Normandy; elevating himself and his family into a position of the highest rank and the greatest power among

the then known kings and princes of Europe. He died September 8, 1087, and dividing his great kingdom he gave Normandy to his son Robert, and England to his son William Rufus. To his son Henry he gave a large sum of money only. He married Matilda, daughter of Baldwin V., count of Flanders and Artois.

Henry, son of the preceding, was born in 1068. In his early years, after the death of his father, he was engaged in constant contention with his brothers, King William Rufus of England, and Robert, duke of Normandy, principally over the possession of Normandy and the right of succession in England. Upon the death of William Rufus the witan chose Henry to be king of England, and he became Henry I. in 1100, when he was thirty-two years of age. He made a record as an active and industrious king, considerate of the people, and like all the princes and nobles of that age, a benefactor to the church. He spent considerable time in Normandy and was of course drawn into the contentions that were constantly carried on between the different kings of Western Europe. He died near Lyons, France, in December, 1135. He married Maltida, daughter of Malcolm Canmore, king of Scotland. His daughter Matilda married the emperor Henry of Germany in 1114 and afterwards Geoffrey of Anjou.

Robert, son of the preceding, was the favorite son of his father who created him earl of Gloucester and endowed him with considerable property. He died in Bristol, England, October 21, 1147. He married Mabel, who by some authorities is named Matilda and by others Sybil, a daughter of Robert Fitz-Hamon, and had six children. His son William, the second earl of Gloucester, was the father of Amicia who married Ralph de Clare and had Gilbert, earl of Gloucester, whose daughter Isabel de Clare, married Robert Bruce, seventh of the name, in 1240.

Matilda, who married William the Conqueror and was the ancestress of the Isabel de Clare who married the seventh Robert Bruce, belonged to the house of the Counts of Flanders, who ruled that important domain for hundreds of years, and who were connected in marriage with the Carlovingian kings and other princes of that period.

Baldwin, count of Flanders, surnamed Bras de Fer, or Iron Arm, was a great-grandson of Lyderic, count of Harlebec, the first hereditary governor of Flanders. Baldwin became count of Flanders in 858. He died in 879. He married, for his second wife, in 863, Judith, widow of Ethelwulf of England and daughter of Charles the Bold, grandson of Charlemagne.

Baldwin, the second count of Flanders and Artois, son of the preceding, was surnamed the Bold. He died January 2, 918. During his lifetime he was engaged actively in war against the kings of France Eudes and Charles the Simple. He married, in 889, Alfritha, or Aelfthryth, daughter of Alfred the Great.

Arnulf I., count of Flanders and Artois, son of the preceding, was surnamed the Great. He died at the extreme age of ninety-two. He married, in 923, Alisa or Alice, daughter of Heribert, count of Vermandois, who was in the fifth generation from Charlemagne.

Baldwin III., son of the preceding, was the next count of Flanders and Artois. He ruled from 958 to 961. He married, in 951, Matilda, daughter of Hermann Billung, duke of Saxony.

Arnulf II., son of the preceding, succeeded to the title of count of Flanders and Artois. He died in 988. He married Rosala, daughter of Beranger II., king of Provence and Marquis of Friuli.

Baldwin IV., son of the preceding, was named the Fairbeard, and became count of Flanders and Artois in 988. He was a man of much energy and made large additions to the family domain by conquest, especially Valenciennes. The Emperor Henry II. endowed him with the island of Wacheren. He married either Originia, daughter of Frederick, count of Moselle, or Eleanor, daughter of Richard II., duke of Normandy.

Baldwin V., of Lille, son of the preceding, was known as the Pious and also as the Debonnaire. During the minority of his nephew, King Philip I. of France, he was a regent of that kingdom. His military activities were never-ceasing, and he conquered Hainault and also helped his son-in-law, William of Normandy, in that monarch's enterprises. He died in 1067. He

was planning to secure the succession to the trone for her son to the exclusion of Charles. By his superior talent and energy, he was able to subvert the plans of his stepmother and his half-brother and to ingratiate himself with the other Austrasian nobles. His supporters made him duke of Austrasia, and he conquered Neustrasia which had endeavored to break away from the alliance that had been made by his father Pepin.

For a time—some twenty years—he allowed the throne that his father had bequeathed to him to lie vacant, but in 742 he became lord of the united kingdom of Austrasia and Neustria. In several campaigns that he inaugurated against the German nations he was preeminently successful, but he gained his greatest fame by repelling the Moslems who, starting from Spain and sweeping northward, endeavored to bring all Western Europe under their control, or to lay waste to it. He met the Moslem forces at Poictiers in 752, and defeated them so completely that they were hurled back a mass of disorganized soldiery into the mountains of Spain. From this victory he got the name Martel, or hammer, thus being known to history as Charles Martel. He annexed to the Frankish empire all of Acquitania, and when he died left the kingdom which he had received from his father so well established that it was fast becomnig one of the great nations of the continent.

Pepin II., son of Charles Martel, was born about A. D. 715. He was surnamed le Breuf, the Short, but belied his nickname by proving to be a man of extraordinary prowess and of physical ability. Receiving from his father the control of Neustria, Burgundy, and Provence, he governed those countries with diligence and skill. He did not personally ascend the throne, but for diplomatic reasons placed thereon a Merovingian prince, Childeric II., who made an imposing figurehead but had no real power. Pepin had a brother, Caroloman, who for a time divided authority with him, but upon the death of this brother he became the recognized ruler over all that territory that in subsequent times became France. He sent Childeric to a monastery, and supported by the church and other nobles, came forward as the real monarch and was crowned in 752. One of the most brilliant achievements of his life was his victory over the Lombards in

married, in 1027, Adele, daughter of Robert, king of France, who was a son of Hugh Capet. She died in 1079. Their daughter Matilda married William the Conqueror.

In the young centuries of the Christian era two great powers existed in Continental Europe, the Franks and the Lombards, preceding the growth to power of the Carlovingian kings. Western Europe was beginning to emerge from the barbarism in which the Romans had found and left it, and masterful lords were developing among the different tribes in that part of the world and making their people into nations. Clovis, the first great leader of the Franks, was supreme over Gaul about the year 500. He was of the Merovingian dynasty, of which Merowig was the founder, and which had become supreme among the powers then existing. Following the death of Clovis, in 511, the kingdom began to split up and finally became divided principally into Austrasia, Neustria, and Burgundy.

Pepin of Landen came into control in Austrasia. He was a prince who held the rank of mayor of the palace, but practically he was the ruler of the country, the nominal king being merely a figurehead. One of his daughters married Anseghis who was the son of Arnulf, bishop of Metz, through whose influence Pepin had been elevated to the position that he held.

Pepin of Herstal, son of Anseghis by the daughter of Pepin of Landen, not only strengthened himself in the kingdom of Austrasia, but also conquered Neustria and welded the two kingdoms under one control. Although he found the Carlovingian family already established in high rank among the lords of Austrasia and regarded with deference by the nobles of other countries, he advanced its prestige still higher and increased its power. He did not hesitate to lead a revolt against King Dagobert, and overcoming that monarch, received the title of the Duke of Franks. In time he subdued all Northern Gaul. He died in 720.

Charles, son of the preceding by his wife Alpaida, became one of the most distinguished monarchs in his line previous to the advent of the greater Charlemagne. He was duke of Austrasia and mayor of the palace of the Frankish kings. Early in life he was engaged in rebellion against his step-mother who

755, as a result of which he founded that temporal sovereignty that has ever since been part of the Holy See. For eight years, 760-68, he was engaged in a destructive war with Aquitania which resulted in his triumph over the opposing nation. He died in 768.

Charlemagne, son of the preceding, was born April 2, 742. His brother Caroloman preceded him in authority, but after the death of his father Pepin and his brother, he attained position at the head of the entire Frankish kingdom. Unquestionably he was the greatest figure in his age in the world. He became master of all Gaul and West Germany and maintained himself impregnable against all rivalry and against all enmity. Near the beginning of his career he was particularly fortunate in wars with Italy, Spain, Germany, and other nations, and by the close of the eighth century had enlarged his kingdom until it had become an enormous empire extending from the Baltic and the North Seas on the north to the Mediterranean and the Adriatic on the south, and from the Atlantic Ocean to the Oder and other eastern rivers of Germany.

Not only was Charlemagne noted as a warrior and as a founder of empire, but he was even more famous perhaps as a law-giver and as a patron of art, science and learning. Not only did he unite the Germanic and Frankish peoples, but he taught them again the arts of literature and science which had been well nigh forgotten in the dark ages. He encouraged trade and bent his energies more toward making his people pacific than warlike. He revived learning in a way that has made his name synonymous with culture, establishing some of the most famous schools of learning that the world had known up to that time outside of Greece and Rome. He was one of those few great men who have arisen at far distantly separated periods of time, who, with power of mind and mastery of execution and energy of purpose, have by their efforts changed the face of the world, altered the trend of history, and inaugurated a new era of civilization. In addition to his other varied accomplishments he was a man of literary skill and was the author of many works of importance. He died in 814.

Louis le Debonnaire, son of Charlemagne by his wife Hildegarde of Swabia, was named not only the Complaisant but also

the Pious, for the many good deeds that distinguished his life. He was born in Cassemeuil, Aquitania, in 778. As a child he received the title of King of Aquitania, but was not active in ruling until after the death of his father, in 814, when, as the only surviving son, he succeeded to the head of the nation that his father had brought together. His disposition was not only entirely toward government, and he felt that his kingdom was fast becoming unwieldy. Accordingly, in 817 he divided it with his sons, giving Aquitania to Pepin, Bavaria to Louis, and Italy to Lothair.

This division, instead of pacifying the ambitions of the sons, served to stir up rivalries and animosities and henceforward Louis was in constant trouble with the members of his family. Ultimately he was deposed and his wife was imprisoned in a convent. In 830, however, the people of Germany, who were much attached to him, restored him to his throne and released his wife from the convent. His position was maintained only for a short time for again he was overthrown by his son Lothair who with unfilial spirit subjected him to great indignities. For the third time, after considerable fighting, he remounted the throne in 835, but it continued to be a troublous seat for him, although he was able to maintain himself thereon until the end of his life. He died June 20, 840, and with him began the dissolution of the Carlovingian empire. He married Judith the Fair, daughter of Welphus I., count of Altof, Switzerland; she died April 19, 843.

Charles le Chauve, the Bold, son of the preceding, was born in Frankfort-on-Maine in 823. He became emperor of the West in succession to his father Louis, and was also king of France and Neustria. In fact his inheritance comprised nearly the entire western empire, but he was not permitted to enjoy this quietly, for his brothers were ambitious of territory and desirous of elevating themselves to kingly positions. Establishing his authority over the territory now known as France, he became emperor in 875. His brother, Louis of Bavaria, retained Germany, while Charles in the end confined himself almost exclusively to the kingdom of France. He died October 6, 878. He married Richilda, daughter of Bovinus, count Aldemir Waldi.

Judith, daughter of the preceding, married, first, Baldwin

Bras de Fer, and second, in October, 863, Ethelwulf of England. By her husband, Baldwin Bras de Fer, she became the ancestress of Matilda, the wife of William the Conqueror, and through her, the ancestress of the Bruces of later generations.

Robert the Strong was at the head of the noble house that claimed the kinship of France in rivalry with the Carlovingians and that included the founder of the Capetian dynasty. He was a Saxon warrior who held in fief the provinces of Anjou, and afterwards was possessed of the duchy of Ile-de-France. He was best known for his brilliant struggle in keeping the Norman invaders of France at bay in the ninth century; and thereby he won enduring popularity with both the nobles and the commonalty. He died in 866.

Robert, second son of the preceding, succeeded his father as royal claimant, and was the leader of the barons who rose against the Carlovingian kings and maintained warfare with more or less success. He married Beatrix, daughter of Heribert I., count of Vermandois.

Hugh the Great, son of the preceding, succeeded his father. He was count of Paris and Orleans and duke of France and Burgundy. He held under control the vast dominion that extended from the Loire to the frontier of Picardy. He married Hedwiga, daughter of Henry I., emperor of Germany. Henry of Germany, called the Fowler or the Falconer, was the first Saxon king of Germany. He was born in 876, the son of Otho, the illustrious duke of Saxony. He succeeded his father to the dukedoms of Saxony and Thuringia, and upon the death of Conrad, duke of the Franks, he was chosen to that dukedom in 910. He consolidated all Germany under his rule, defeated the Hungarians in 933, and the Danes in 934, and achieved other successes in war. He died in 936 after an eighteen years' reign, leaving a large and powerful kingdom soundly established.

Hugh Capet, son of Hugh the Great by his wife Hedwiga, and grandson of Emperor Henry I. of Germany, was born about 940. He is celebrated as the founder of the Capetian dynasty, the third race of French kings. He inherited from his father the duchy of France and the county of Paris and soon became one of the most powerful princes of his age. Upon the death of Louis V., the last of the Carlovingian kings, the nobles and

bishops assembled and selected Hugh Capet to hold the throne. He was crowned July 3, 987. His reign was illustrious beyond that of any of his predecessors, and he ended by making the crown an hereditary possession of his family, bequeathing it directly to his son Robert. He died in 996.

Robert I., king of France, son of the preceding, was born in 971. He had a long but inglorious reign, remaining on the throne twenty-five years. He was of an easy, kindly disposition and was never able to quiet the turbulent nobles who surrounded him. His ambitious queen and her followers made particular trouble for him, and it is said that he felt quite resigned when the approach of death indicated that he was to be liberated from the cares of his lifetime. He died in 1031. He married Constance, daughter of William, count of Toulouse.

Adele, daughter of the preceding, married, first, Richard III., duke of Normandy, and second, Baldwin V., count of Flanders. Matilda, daughter of Count Baldwin and Adele, married, as we have before seen, William the Conqueror, and became the ancestress of the Bruces.

Pepin, founder of the house that produced the counts of Vermandois, was one of the sons of Charlemagne. He became king of Italy, and of other countries of Europe. He died in 810.

Bernard, son of the preceding, died in 818.

Pepin, son of the preceding, manifested little disposition for the strenuous life of that period, and does not appear to have been in any way conspicuous in the battling for power and possessions that absorbed the attention of the men of that age.

Heribert, son of the preceding, became the first count of Vermandois and maintained himself securely in mastership over that little kingdom. He died in 902.

Heribert, son of the preceding, succeeded to the throne of Vermandois in 902. He died in 943, after a long, peaceful reign.

Alisa, daughter of the preceding, married Arnulf I., count of Flanders and Artois, from whom in the sixth generation, descended Matilda, who married William the Conqueror.

(*To be Continued*).

MRS. JAMES MADISON
[From a portrait by Gilbert Stuart]

SOCIAL AMENITIES IN EARLY WASHINGTON SOCIETY

BY CORRA BACON-FOSTER

THE Washington of Jefferson's and Madison's times was not a desirable place of residence if we may credit the many bitter complaints of the unfortunates whose governmental duties compelled more or less lengthy sojourn in the embryo city; great too had been the disappointment of enthusiastic investors in town lots and buildings in which many fine fortunes had been sunk. On paper it was the city of broad streets, diverging avenues and beautiful parks as we enjoy it to-day, but in reality it was the unfinished north wing of the old capitol and the executive mansion—also unfinished—with several scattered little settlements, some roads cut through the woods and a handsome bridge over Rock Creek connecting with George Town.

But there was even then, as ever since, a resident society of unusual brilliance. The leaders were undoubtedly Captain and Mrs. Tingley, so long at the Navy Yard, Dr. and Mrs. Thornton, Thomas Law,—whose wife was the granddaughter of Mrs. George Washington—Col. and Mrs. Tayloe of Mt. Airy, and Mr. and Mrs. S. H. Smith of the *National Intelligencer*. In the official set were Mr. and Mrs. James Madison, the Smith brothers from Maryland, and Mr. and Mrs. Gallatin. The only diplomatic representatives were M. Pichon and his amiable wife—nee the Baronne Brogniart,—French chargé; Mr. Edward Thornton, a bachelor, British chargé, and Mr. Pedersen, also unmarried, Danish chargé; the Spanish government alone had an accredited minister to the United States, the Chevalier de Yrujo, who usually remained with his wife, the beautiful daughter of Governor McKean, in his elegant home in Philadelphia, coming only at intervals to Washington. As there was no mistress in President Jefferson's household Mrs. Madison gener-

ally assisted him in her own charming manner in the rare social functions at the executive mansion, which were limited to the public receptions on New Years and the Fourth of July and an occasional formal dinner.

Jefferson's first play in the presidential part was to the galleries; in order to win the hearts of his dear common people he thought it necessary to wear old and shabby clothing, to eschew social formalities, and to abolish all order of precedence at his table. He did not receive the applause he had expected and finally was forced partially to revise his program.

Our government was not pleased that Great Britain had failed to appoint a minister to succeed Mr. Liston in the United States. A skilful manœuvre on the part of our representative at London was followed by the selection of a Mr. Anthony Merry for the position. This worthy gentleman, ruddy of complexion, rotund of figure and phlegmatic in disposition as only an Englishman can be, had been an attaché of the legation at Madrid, and was considered a capable man; he had lately married a wealthy wife older and taller than himself; Tom Moore described her as "having been a fine woman;" events proved her at least not phlegmatic. After a stormy voyage and vexatious delays the diplomatic party reached Washington with servants, coaches and house furnishings sufficient for an establishment creditable in a finished city. Of course difficulty was experienced in finding shelter for it all, but finally it was crowded into communicating double houses.

Clad in full diplomatic uniform the newly arrived minister was introduced to the President by Mr. Madison who had thoughtlessly failed to give the punctilious envoy the least hint of the reception he would probably receive. After some little delay the president had entered the shabby parlors dressed as no gentleman should be even in the privacy of his own apartments, yet Jefferson who in Paris and in Philadelphia had always been correctly and neatly clad, well knew the requirements of his position. The English minister overwhelmed with surprise and indignation reported the scene in full to his government. To add to his discomfiture he was informed by Mr. Madison that he would be expected also to make the first calls

upon the cabinet ministers and that the customary privilege of a seat at the right of the presiding officer in the senate and house had been revoked. Mr. Merry expressed regret for his former position in Spain while Mrs. Merry expressed herself very volubly to Mr. Thornton on the question of "American manners."

Soon after came the invitation from the President to the dinner in their honor. This was Jefferson's first opportunity to establish his ideal of true Republican simplicity in the executive mansion; it was also Mrs. Merry's opportunity to dazzle and capture the small social world to which Hymen and the British government had consigned her. Clad in a resplendant costume of which a description has been preserved, she and her husband —quite splendid too as befitted his office—alighted from their coach at the door of the "palace" promptly at four o'clock to be cordially welcomed by Mrs. Madison. It is said to have been a dismal day in November but the drawing rooms had been made cheerful by the log fires blazing upon the hearths. The other guests were the Spanish minister and his wife, recently arrived for the season, some unremembered congressmen and strange to relate Chargé Pichon and his wife; England being at war with France, why did Jefferson thus violate this strict canon of diplomatic etiquette?

When dinner was announced Mrs. Merry was astonished to see the president turn from her to Mrs. Madison whom, despite her earnest protest, he escorted to the seat at his right. The witty wife of the Spanish minister, who had known Jefferson intimately from her childhood, caught the humor of the situation and laughingly, unescorted, took the seat at the president's left, thus very much displeasing her more dignified husband who seated himself next Mrs. Madison. Mr. Madison placed Mrs. Merry beside the chevalier. Mr. Merry would have taken the chair next Mme. deYrujo, but was crowded out by a young congressman and thereby forced into the place next Mme. Pichon.

Republican ideals would have dictated a menu of pork and corn pone moistened with hard cider, but Jefferson was an epicure and the spread was the best two French cooks with *carte blanche* could serve. Yet it is safe to assert that few of the

party enjoyed the delicious entrees and fine wines and that the president's liveliest sallies failed to dispel the embarrassment of the guests of honor.

Mr. Madison, secretary of state, who was a colorless imitator of his great model, soon sent out invitations to a dinner complimentary to the foreign ministers at which the same program with a few variations was carried out. Mr. Madison honoring Mrs. Gallatin, wife of the secretary of the treasury, Mrs. Merry was left for her husband to escort. Mme. deYrujo recollecting Mrs. Madison as the Widow Todd in the earlier days in Philadelphia found the situation too much for even her democracy and left the house. Mrs. Madison never after recognized Mme. deYrujo. The two ministers resolved to escort their own wives thereafter, which was done at a dinner given by the Spanish minister the following week. Neither of the two ladies appeared at the executive mansion on New Years Day and every one knew the cause of their absence.

And then to complicate social matters still further there appeared at Washington Jerome Bonaparte with his bride, the beautiful, witty and ambitious Elizabeth Patterson of Baltimore. She dressed in the height of the newest Parisian fashion; a naughty newspaper man wrote his journal—"notwithstanding the inclemency of the season her costume could have been packed into a snuff box." She was the niece of the powerful brothers, General Samuel Smith, senator, and Robert Smith, then secretary of the navy. Robert Smith kept the most elegant official establishment in Washington. The president promptly invited the Bonapartes, Smiths and Pichons to dine with him. On this occasion he very properly honored the great first consul's sister-in-law, thereby creating the impression that he favored the cause of the French in the titanic struggle with England.

Society now resolved itself into three hostile camps; the two ministers, making common cause socially while opposed politicaly, held weekly drawing-rooms in their handsomely appointed residences and drew about them a coterie of disaffected federalists and the members of the foreign establishments; Mrs. Madison in her George Town home held her usual weekly drawing rooms and levees which her cordial charm made very popular

with the administration and resident circles; Robert Smith's dinners and balls were the events of the season.

When such capable and fearless women as Mrs. Madison, Mrs. Merry, Mme. deYrujo and Mme. Patterson-Bonaparte enter the social lists there is bound to be a battle royal, and it is a matter of regret that our favorite Dolly Madison was not always the victor. Washington was a very small city but the season of 1803-4 long bore the record for social sensations.

All the foreign representatives sent their governments long despatches concerning these petty embrolios, construing them into intentional national snubs or favors. Jefferson himself wrote a long explanatory letter to our Minister Munroe in which he said—"Mrs. Merry must behave or eat her soup at home." Doubtless these trivial experiments in democratic simplicity had their influence upon subsequent serious diplomatic entanglements of the three nations with the government of the United States which culminated in the war with England.

HEROES OF THE BATTLE OF POINT PLEASANT

By Delia A. McCulloch

FOR the cause of civilization the battle at the mouth of the Great Kanawha river was fought and no single battle of the Revolution gave such vast extent of territory to our Republic. The country beyond the Ohio was little known to the first settlers who came through the wilderness seeking homes but they had a great desire to explore and possess it. As Lord Dunmore expressed himself to Lord Dartmouth,—"they imagined the lands farther off were better than those upon which they had already settled." The Indians were aroused to a high pitch of frenzy by the whites taking possession of their hunting grounds and especially the Kanawha valley. To intimidate the whites they made raids upon their settlements leaving behind them desolation and ruin. The men of Augusta and Greenbriar and other counties, who were farther removed from the frontier, organized bands of rangers to protect their homes and aid others in more isolated and exposed parts of the country.

Among these rangers were many of the prominent men of the colony who took part in the expedition that was sent out by Lord Dunmore to subdue the Indians and force them to a treaty. This was accomplished at Camp Charlotte as the result of the victory gained at Point Pleasant over the confederated tribes under their noted chief Cornstalk.

It will be interesting to know something of the history of these men. Instead "of glory awaiting them" many found lonely graves on the banks of the Ohio and Kanawha rivers, far from home and loved ones, and here they lie although one hundred and thirty-four years have passed away, without shaft or tablet to mark the spot or record their deeds of valor. This historic burying-ground should be dear to every American heart.

Of those heroes only those who were buried in the "maga-

MARCHIONESS CASA DE YOUJO
[From a portrait by Gilbert Stuart]

zine", can be mentioned at the present, with the exception of General Lewis who was in command of the battle, and Colonel William Fleming. The list is long—of those gallant men who protected the frontier in the days "that tried men's souls", received their baptism of blood at Point Pleasant, and went out from there and covered themselves with glory in the battles of the Revolution which so soon followed. The most complete roster of these men is found in the "Dunmore War Book," of the Wisconsin Historical Society. The deed, to this forty-foot square reservation refers to this spot as, "the old burying-ground". It was made a reservation by Thomas Lewis, son of General Lewis, when he came into possession of it at his father's death, and first sold the land around it to Walter Newman who had fought in the battle. Thomas Lewis had it in his power to preserve this historic ground and did not fail in his duty in thus far honoring these men. The deed has been recently found among some papers of this old soldier who escaped and lived to "tell the tale" to eager listeners around his log cabin fire-side in after years in Mason county; and it is now among the papers of the Colonel Charles Lewis Chapter of Point Pleasant.

General Andrew Lewis

This noted commander of the southern wing of the army which was sent on the expedition against the Indians in 1774, was recognized as a man of superior ability and a great leader. Governor Dinwiddie spoke of him as "one who knew more of the woods and the Indian mode of war-fare than any other man in the colony." He was born in Ireland, in 1720, and was the third son of John and Margaret Lynn Lewis. His mother was the daughter of the Laird of Loch Lynn. He was but ten years old when he crossed the ocean with his mother and brothers to join in the new world his father who had fled from Ireland, after having slain the Irish lord Sir Mingo Campbell, who unjustly came with an armed force to eject him from his castle.

John Lewis escaped to America, arriving in 1730. There is a difference of opinion among those who should have been informed whether he came direct to America or found his way into Portugal and from there to America. Mrs. Agatha Towles, a

grand-daughter, in a brief memoir written in 1837, states that John Lewis took refuge in a house on the banks of the Boyne, and, as a ship was ready to sail, embarked for America. He waited at Philadelphia for his family and fearing any longer to dwell near the seaports he went with them down into Virginia and on into the wilderness of Augusta.

He first located on Middle river about three miles east of the now macadamized turn-pike and soon removed on a creek two miles east of Staunton which he named "Lewis creek." Here he built a stone house which served as a fort, and was known as "Fort Lewis," and is said to be still standing.

In this wilderness Andrew Lewis and his brothers grew up as sturdy back-woodsmen with every qualification necessary for the life on the frontier; and as leaders of rangers and surveyors and builders of forts they made themselves famous in the colony of Virginia in its infancy.

The loneliness of this life led to frequent intercourse with neighboring settlements; their broad domain, which furnished fine sport in hunting at that day, and their great hospitality brought them in touch with the prominent men who came to the seat of government at Williamsburg from "merrie England" in search of adventure. Andrew Lewis, with his father as a companion became a surveyor for the Greenbriar Land Company, and it was during this survey that the name of Greenbriar was given to that beautiful mountain stream on whose banks they found a peculiar long green briar that suggested the name.

Andrew Lewis was over six feet tall, with a commanding presence that so impressed the governor of New York that he made the oft repeated remark "that the earth seemed to tremble as he walked."

He was very reserved, and austere and a strict disciplinarian which oftentimes made him unpopular. He married Elizabeth Givens of Bath county, Va. At the time of the great defeat of General Braddock, General Lewis seemed to have been lost, if we should judge from the various dispatches sent to him by Governor Dinwiddie, which would lead one to infer that he was not with Braddock, although his grand-daughter states that both her

that surrounds the Washington Monument in Richmond, Va. The vote which placed it there was cast by Griffith Bennett Thomas, who died in 1906, being a member of the Virginia legislature at the time the vote was taken and representing Mason county, Virginia (now West Virginia.) General Lewis left at his death a large estate, part of which was his military grant, including the site of Point Pleasant which he willed to his sons, William and Thomas. His death occurred September 25, 1781.

Colonel Charles Lewis.

This brave officer, said to have been "the idol of the army," whose life was so full of adventure and reads like a romance was the American born son of John and Margaret Lynn Lewis, his birth having occurred March 11, 1736. He grew up in the mountains of Augusta, you might say to perfect manhood, and developed a character that made him beloved by all classes of men; his sad death at Point Pleasant cast a gloom over the whole colony. No petty jealousies robbed him of the honors he had gained or the preference shown him by his fellow soldiers without regard to rank. From boyhood he had engaged in the wars on the frontier and had many escapes, both from the Indians and the wild beasts of the forest. As a ranger he was noted and his journal of 1755 is preserved in the library of the Historical Society of Wisconsin. He defeated a raiding party of Indians on the South Fork of the Potomac in 1763, and went to the assistance of Boquet in the march on Fort Du Quesne in 1764. He was constantly in service, never at home more than one month at a time. He based his claim for land on his services as a ranger and received a tract in Kentucky. Colonel Lewis married Sarah Murry in 1760, the daughter of the widow Margaret Murry, born in 1743. Margaret Murry was a native of Ireland, of Scotch descent, and came to New York. She had two daughters, Sarah and Mary. She married Dr. John Cameron, who had followed Lochiel and espoused the cause of Charles the Pretender and after the battle of Culloden in 1746 escaped into Spain and came to New York. After his marriage he went to Norfolk and in 1759 moved to Staunton, Va., where for the first time no doubt Charles Lewis met Miss Murry. After moving to Staunton Dr.

father, William Lewis, and her uncle Andrew, were in that battle and defeat.

In 1758 he was with a detachment of General Forbes' army under Major Grant; they were defeated, and surrendered as prisoners and were taken to Montreal. Major Grant laid the blame for the defeat on General Lewis who challenged him and on that officer's refusal to accept he very indignantly before the French officers spat in his face. The Indians stript him of his uniform but the French generously supplied him with a handsome one, trimmed with gold lace, a piece of which is still preserved, bright and untarnished, by his descendants. In 1765 he went with a party on the Sandy creek expedition sent out by Governor Dinwiddie which proved a disastrous campaign. He was one of the committee which treated with the Iroquois, at Fort Stanwix in 1768, and at Lochaber 1770. He was a member of the House of Burgesses and in the convention of 1775.

At the request of General Washington Andrew Lewis was made a brigadier general by the Continental Congress. Washington was his personal friend and had a high opinion of his military ability. He commanded at Williamsburg early in the Spring of 1776. It was the battle of Point Pleasant which gave lustre to his name and crowned his long laborious military life with glory. For the treatment that was given him by Lord Dunmore, in the wilderness, he had the gratification of driving that officer to his ships from Gynne's Island in 1776. On account of ill health contracted by long service in the army he resigned his commission in 1778; on his way home he died at the home of Colonel Talbort in Bedford county, and was buried on his estate "Dropmore", near Salem, Va.

In 1902 the remains of General Lewis were removed to the cemetery in Salem and the Margaret Lynn Chapter D. A. R. erected a handsome monument over his grave. An old paper, yellow with age, is preserved showing the disposition of his slaves, and in it are the names of his wife Elizabeth, his sons, Samuel, Thomas, Andrew and William, and his only daughter Anne. Unfortunately there has been no portrait of General Lewis preserved but one of his son Andrew, in an old medallion, has been used by the sculpter for his statue which is in the group

Cameron set sail for Scotland to receive his estate which had been confiscated by the Crown, but the vessel on which he sailed was never again heard from.

Colonel Lewis was selected by Lord Dunmore to assist in raising the army for the expedition that was sent against the Indians and he was the first sent out to meet the Indians when they attacked the camp that beautiful October morning. Before his departure for the mouth of the Great Kanawha he settled his affairs and on August 10 made his will which was recorded January 17 after the battle of Point Pleasant. It seemed that he had a premonition of his fate. He was mortally wounded at the first charge and in the front ranks he fell encouraging and leading on his men. Amid the smoke of battle he passed out from the ranks and gave his gun to one of his men saying, "fight on, don't mind me." He was assisted back to the encampment and there in his tent, in great pain and agony, his beautiful life was brought to a close in a few hours. He was buried in the "magazine" with the other officers who were killed on the point in the forks of the two rivers. He left a wife and seven small children, the eldest being Elizabeth Lewis, born October 17, 1762, and the youngest, Charles Lewis, born September 11, 1774, and afterward a lieutenant with General Wayne. He married Jane Dickinson, daughter of Captain John Dickinson who fought in the battle of Point Pleasant, came to Mason county, West Virginia, in 1800, and died in 1802. His widow, in 1805, married Captain James Wilson and moved to Kanawha county.

Charles Lewis, son of the Lieutenant, married, in Mason county, Eliza Steenbergen, and at his death in 1841, left a widow and five children, all of whom died unmarried except the third and fourth children who still reside in the county with their descendants. Andrew Lewis and Charles Lewis, sons of Colonel Charles Lewis, when they came to manhood, settled in Mason county near the spot where their father died. Their beautiful farms lay on either side of Old Town creek which wound in and out through them and emptied into the Ohio river near where Cornstalk crossed with his crest-fallen army in hasty retreat after the battle. This point was well known to the Indians for here, about 1760, stood an Indian village which no doubt had

been abandoned on account of the floods in the Ohio river. On these farms were Indian mounds and many relics were found by Thomas Lewis when he settled upon it.

Col. William Fleming.

This soldier, next in prominence to General Lewis and his brother Charles Lewis, combined surgical skill with his military education and training. Graduated as a surgeon from the University of Edinburg he saw service in the British Navy and in the wars with Spain had been a prisoner in that country. He was born in Jedborough, Scotland, February 18, 1729.

He arrived in America just after the defeat of General Braddock. Serving with Washington as a surgeon and with Forbes as a lieutenant, in the campaign against fort Du Quesne he was sent after the Cherokees in 1760-61, and was practicing his profession in Staunton in 1762. He married Ann Christian, daughter of Israel Christian. His home, named "Belmont," was in Botetourt county, Virginia, (now Montgomery) where he removed in 1769. He went on the expedition as colonel of a Botetourt regiment and was ordered out at the same time with Colonel Lewis to meet the Indians. He marched up the Ohio bank on the left having with him 150 men and was wounded through his lungs and arm, only a few minutes after Colonel Lewis left the field, his wounds being thought at the time to be mortal. When the troops crossed the Ohio he was left in charge of the garrison.

By the thirty-first of October he had recovered sufficiently to leave the garrison for home. He set off from camp in a canoe with four watermen and Captain John Dickinson up the Kanawha river. After a long and painful journey he reached his home on the twenty-second of November and in his own words, noted in his journal, "reached home in safety, being just 3 months gone, Praise be to God." His wounds rendered him unfit for revolutionary service, but he was a member of the Continental Congress in 1779-80. He was a member also of the Governor's Council in 1781 and, in the absence of Mr. Jefferson from Richmond, for a short time filled the office of Gover-

nor. He died at "Belmont" and was buried in the family burying-ground. He left three sons and four daughters.

Colonel John Field.

This old hero and warrior was born in Culper county in 1730. His father was John Field who settled at Jamestown, married Miss Byrd, and left a large family. Two brothers came over from England in the early years of the colonies. William Field settled in Boston and his old home is now known as "Fields Corner." Colonel John Field, the subject of this sketch, was sent to England to be educated and after a college course obtained a commission in the British army. He came over with General Braddock and was in the disastrous defeat of that general. The family records claim, "that after Braddock was wounded the remnant of the army was saved by John Field and Washington." He was in service throughout the French and Indian war protecting the frontier and was with Forbes in his march against fort Duquesne. He was also major Bouquet in 1764. He served in the legislature in 1765, and was made a colonel of militia in 1766.

In July, 1774, he was out on the Kanawha at Kelly's cabin on Kelly's creek. At this time his companion Kelly was killed by the Indians and his son Ezekiel and a negro maid were taken prisoners. Colonel Field escaped, running all the way to Greenbriar, without food or clothing, except a shirt; his limbs were torn with the briars and underbrush through which he pushed his way in his mad flight to escape, and when he reached the settlement he fell from exhaustion. He was so enraged at the Indians, that he got permission from Lord Dunmore to accompany the expedition, raised an independent company in Culpeper county and set out with the army. Owing to his outranking General Lewis he felt dissatisfied, withdrawing from the main army and marching another route, being familiar with the country. Finding his company was being followed and watched by Indians, he became alarmed and returning to the command of Colonel Lewis became reconciled to that commander. In the battle he took a conspicuous part, and after the

wounding and withdrawing of Colonel Fleming and Colonel Lewis he took command. In a short time he was killed, but not before he had restored confidence in the troops and checked the panic of the men, caused by seeing their officers leave the field, and the furious charge of the Indians. Colonel Field was buried in the "magazine," his name being mentioned among the number of killed in all of the reports sent out from the battle field, and among those who were buried in the "magazine."

The records show that Colonel Field was a man of education with a fine military training and vast experience in the wars of two countries. He had the confidence of his superior officers, and was always to be found at the front in a battle. He possessed great love for adventure and had remarkable power of endurance. He was of fine appearance, six feet and four inches tall, with a splendid physique and dark hair and eyes. He owned a large plantation in Culpeper county and was a tobacco grower. A palatial residence and enough of this world's goods to make life enjoyable were his, but love for adventure and army life was more to his taste. He left a family of four daughters and five sons.

A great difference of opinion exists among the descendants of Colonel Field as to the name and family of his wife. Some say she was the sister of George Roger Clarke, and others that she was his aunt. The strangest part of his history is preserved by his descendants in the statements of Ezekiel Field's wife that he survived the battle of Point Pleasant. Ezekial Field escaped from the Indians and served in the revolution; at its close he married his cousin, Elizabeth Field, of Culpeper county, moved to Kentucky where he was killed by the Indians at the battle of Blue Licks in 1782.

Captain John Murry commanded a Botetourt company under Colonel Fleming. He was a brother to the wife of Colonel Charles Lewis and half brother to George Cameron and Charles Cameron of Bath county. He was a brave officer and lost his life in the battle. Charles Cameron went over the Kanawha river hunting, and, hearing the noise of battle, came back and found the sad news awaiting him,—his brother, half-brother, and his brother-in-law, all slain.

CAPTAIN ROBERT MCCLENAHAN.

The troops that marched away from Camp Union felt very comfortable in having two good surgeons with them, Colonel Fleming and Captain McClenahan. The last named brave officer was a son of the emigrant of the same name and came to Augusta county at an early day, the exact date not being known. His mother was Sarah Breckinridge, a daughter, or sister, of Alexander Breckinridge. If a daughter her name was not given in his oath of importation, but she was the wife of Robert McClenahan when the family came to the valley. His two brothers and his father were prominent in the military affairs of the colony. His father bought from Robert Beverly a tract of land in 1748 and on this farm, located south of the town of Staunton, the McClenahan brothers were brought up. Robert McClenahan was the friend of Captain John Stuart, the distinguished pioneer and soldier, and one of the most scholarly men of that day. With Captain Stuart and William Bennix they made the first permanent settlement in Greenbriar county, near the present town of Frankfort, in 1761.

Robert McClenahan married Catherine Madison, a noted belle of Augusta county. He left his young wife and two sons when he marched with the expedition. He raised his company in Botetourt and they were with the re-inforcements sent out after the wounding of Lewis and Fleming. He was mortally wounded, died the night after the battle and was buried in the "magazine." His widow married the gallant soldier William Arbuckle, who fought in the battle; they came from Greenbriar to fort Randolph and lived during the troublesome times that afterward followed. Two children were born to them in the fort; their eldest was born in fort Donnelly, near Lewisburg. The grave of Catharine (Madison-McClenahan) Arbuckle is to be seen beside that of her second husband in a quiet little graveyard on the Kanawha river; and a stranger would never know from the modest epitaph that Kitty Madison who had lived through such stormy days in and around fort Randolph, rests there. Her two sons went to Kentucky and their descendants are scattered over the west. Alexander McClenahan, brother

of this Captain Robert McClenahan, was captain of an Augusta company, survived the battle and fought in the Revolution. He was made colonel of the Seventh Virginia Regiment. He resigned in 1778, and was made clerk of Augusta county. His wife was a sister of Patrick Henry's first wife. He had one son, who died unmarried, and two daughters. He was at the battle of Great Bridge near Norfolk, Va., December 9, 1775, in which every British general was killed without loss to the Virginians. He served under Andrew Lewis at Williamsburg, in 1776.

Lieutenant Hugh Allen.

The Allens were a prominent family of Augusta county at an early day, and came from Ireland about 1745. William Allen was the emigrant. The name of his brother is not mentioned by the historian of Augusta county, Joseph A. Waddell, but he says that Dr. Allen, who practiced in the neighborhood of stone church, was a grand-son. William Allen had three sons. The eldest son, James Allen, was born in Ireland and came over with his father. Hugh Allen and John Allen were born in Augusta. John Allen was a lieutenant with General Braddock, and lost his life. Hugh Allen and James Allen married sisters, daughters of John and Jane Anderson. Governor Gooch of the colony appointed John Anderson one of the first magistrates upon the organization of the county, October 30, 1745, which shows his standing at that time. Hugh Allen and James Allen were both in the battle of Point Pleasant.

Hugh Allen served in the Shawnee expedition of 1756 and in the fall of the same year was sent by Governor Dinwiddie with a message to the Chief of the Cherokees. In 1773 he received 2,000 acres of land for his services. When he went with the expedition he left behind a wife and two sons. He was a lieutenant in Captain George Mathew's company from Augusta county and was killed in the battle. A small sapling, behind which he found shelter, had sixty or seventy bullets in it, and he was finally killed by an Indian getting in his rear unobserved. His brother escaped and in writing home said: "I buried Hugh alongside of Colonel Charles Lewis and placed a stone at his grave, before crossing the Ohio river with the troope." Civili-

zation has long since displaced the stone, but in 1871 when an examination was made of the graves three skeletons were found side by side; one was identified as that of Colonel Lewis by the location of the wound, and also, a fragment of the log tree coffin. Who was the third?

The widow of Hugh Allen married William Craig who was born in 1750 and died in 1829. They had three daughters and one son.

In 1783 the sons of Hugh Allen went to Kentucky with a large company of Allens and Trimbles and they are the ancestors of those prominent families of that name in Ohio and Kentucky. James Allen remained in Virginia and had two sons and eight daughters. He died in 1779, ninety-four years old, and was buried at the old stone church near Staunton, where he had been an elder for sixty-four years.

Captain James Ward.

Captain James Ward was born in Ireland about 1727 and came to America when an infant with his parents who settled in Augusta county. In 1749 he married a daughter of Patrick Lockhart. They suffered severely from the Indians. A brother was carried away captive when a child and grew up with the Indians, taking a wife from one of the tribes. In a skirmish with the whites he was killed by his brother, James Ward. James Ward, was a lieutenant in the French and Indian wars, and was with both Forbes and Bouquet. In 1769 he moved with his brother-in-law, Mathew Arbuckle, (who was guide to Andrew Lewis' army through the wilderness at the time of the battle), to Greenbriar county. He was in the Boutetourt line and was mortally wounded, dying a few days after the battle, and being buried in the "magazine." He left seven children. Two sons were Kentucky pioneers.

Colonel John Frogg.

Colonel John Frogg was related to the Strothers of Virginia, being a nephew of Mrs. Thomas Lewis (who was Miss Strother); and he married her daughter Agatha. He was with the army

as sutler. He was killed in the battle and his wife afterwards married the distinguished pioneer and soldier, Captain John Stuart of Greenbrier county. Their daughter, Margaret Stuart, married Andrew Lewis of Mason county, West Virginia, born in 1772. John Frogg is said to have been a handsome, "happy-go-lucky" young fellow, and was a great favorite in camp. He made a target of himself for the Indian bullets in the battle, having on that morning a bright red jacket. Five Indians were found piled on top of him trying to get his scalp, no doubt thinking he was an officer of high rank.

Captain Thomas Buford.

Captain Thomas Buford was of a well known family of Bedford county and his descendants are still to be found there. He commanded an independent company from Bedford, and was in the Boutetourt line. He left Camp Union, September 12, in charge of all the beeves and pack-horses collected for the use of the army. They were under Colonel Fleming and were the next troops ordered out to meet the Indians after the command of Colonel Lewis. Colonel Christian, who did not come up with his men in time to take part in the battle, received a warm welcome from the tired soldiers who had fought all day, until the sun had gone down. In a letter he stated "many of our wounded died since the accounts of the battle came in. I think there are near seventy dead. Captain Buford and Lieutenant Goldman and seven or eight more died whilst we were over the Ohio, and more will die." The Culpeper troops that went out with Colonel Field and what were left of Captain Buford's and Captain Pauling's were formed into a company by Captain Slaughter."

Captain Henry Pauling.

Captain Henry Pauling is mentioned in connection with Colonel William Christian's militia company in 1764. In the battle with the Indians at Point Pleasant he commanded a Boutetourt company. He was very proud of his company and said—"they were the crack company and bore off the honors until the arrival

in Camp Union of the company of Captain Russell." He went into the battle when reinforcements were sent out with Colonel Field and was in the thickest of the fight. In Colonel Fleming's orderly book it is noted that Captain Pauling was severely wounded and died while the troops were over the Ohio and was buried with the other officers. In 1777, he was with Colonel Bowman protecting the settlers in Kentucky. He afterwards moved to Kentucky and was in the convention which ratified the constitution, being a delegate from Lincoln county. He voted against the Constitution. The next year he was in the Virginia assembly from the same county.

Other Heroes of the Battle.

Among the prominent families of Augusta were the Wilsons. John Wilson was an early settler, his name being in a list before 1745. He represented the county in the assembly for many years. He was in the militia of 1742. The Wilson family suffered in the raids made by the Chief Cornstalk and his warriors on Kerr's creek in 1763-64. An account of these affairs, dictated by a survivor, has been given by Mrs. Margaret Hanna, his daughter, who died as late as 1878. Captain Samuel Wilson was killed in the battle.

Little is known of the history of Lieutenant Goldman, except that he was in the battle and was mentioned as having been severely wounded and died some time after the troops crossed the river. He commanded in a Boutetourt company, and was buried on the point with the other soldiers.

There is little known of the history of Ensign Jonathan Cundiff or his ancestors. He was with Captain Thomas Buford's independent company from Bedford, and in the Botetourt line. He was killed in battle and buried on the point. He had two sons who emigrated to Kentucky and settled in Montgomery county.

Ensign Mathew Bracken was a surveyor and was with Hancock Taylor surveying in Kentucky in 1773. Hancock Taylor was killed by the Indians in 1774 on Taylor's Fork of Silver creek in Madison county. Ensign Bracken was in Captain

McCleanhan's company, and was, no doubt, killed about the same time that his captain was mortally wounded.

A list of the privates who were killed or died from their wounds at the garrison was never made, but when the square was graded in 1901, the ground was full of skeletons of men who appeared to have been carelessly buried in trenches. They were buried again by the side of the other soldiers.

The words Liberty and Freedom seemed to have had an inspiration for these pioneers, and they were ever ready to take up arms in the defense of their mountain homes. It has been said that General Anthony Wayne's brigade was composed of Irish, and Scotch-Irish refugees from Ulster, and no truer men were ever found than those who fought the battle of Point Pleasant and the battles of the Revolution. I cannot close without paying tribute to these men who returned to the mouth of the great Kanawha and settled, after they were disbanded at Camp Union, those who so nobly did their part in planting the victorious standard around about their camp. They occupied the circle of cabins around fort Randolph until peace was restored and then went out, and the sound of their axes was heard up and down the valley from early dawn until the moon came up over the hills making ready for the log cabins, soon to be their homes. West Virginia should not stand alone in honoring these men. The tribute to them should be national. Every State should desire to have some part in the work of placing on the beautiful site that has been purchased near the site of old fort Blair, on the point, in the forks of the two rivers, where also the army of General Lewis was encamped, a suitable monument to the men who fought the battle of Point Pleasant.

THE DIARY OF AN OFFICER IN THE INDIAN COUNTRY IN 1794

CONTRIBUTED BY ERNEST CRUIKSHANK

THE following curious documents were found among the papers of the late Colonel William Claus of Niagara, Ontario, for many years the deputy-superintendent of the British Indian department for upper Canada. It seems probable that they were written by John Chew, an officer in the same department, for the information of Major-General Simcoe, the lieutenant-governor of the province. The party to which the writer was attached was apparently commanded by Captain Matthew Elliott, afterwards deputy-superintendent of the Western Indians. With the exception of a single short paragraph relating to Elliott's private affairs, the manuscript is transcribed verbatim.

Lossing alludes to the expedition of the Indians described in the journal in these terms:

"Wayne was compelled to wait until late in the summer of 1794 before he felt strong enough to move forward. Meanwhile the Indians appeared in force. On the 30th of June, about a thousand of them, accompanied by a number of British soldiers and French Canadian volunteers made their appearance before Fort Recovery, and during the day assailed the garrison several times. During these assaults the Americans lost fifty-seven in killed, wounded and missing and two hundred and twenty-one horses. The Indians lost more, they said, than in the battle with St. Clair."

Glaise, 14th June, 1794.

This day on our arrival here, we were saluted by a discharge of small arms; our party being fourteen in number, returned the compliment. The advanced party of the Indian army gives

information of their hearing the report of General Wayne's cannon from their encampment which is about sixteen miles south of this. Several Indians have been killed by the American scouts. A party was discovered a few days ago consisting of about twenty-six men, some on horseback; the Indians followed their trail but could not come up with them.

Sunday, June 15th.

The Ottawas and Wyandotts joined the army this day and were saluted by a discharge of small arms from a line of about six hundred warriors drawn up for that purpose.

Monday, June 16th.

This day a council of war was held at the Nuqaijake Town—the result of which was "that every white man, either English or French, residing among, or getting their livelihood by the Indian trade, or otherwise, now within the limits of their country shall immediately join the Indian army to defend the territory in which their mutual interest is so greatly concerned; that their father (the English) had always told them to defend their country and they were happy to see us in this critical period in order to have our advice, consequently were unanimously of the opinion that they could not dispense with our presence at a juncture when the event would probably determine their future happiness. Resolved, therefore, that we shall join the army now in readiness to march." A bunch of black wampum was handed to Captain Elliott in token of this determination.

Wednesday, June 18th.

The resolution of the army respecting us permitted us of no alternative but to prepare ourselves with all speed, which we this day set about and changed our mode of dress and put on the warrior's, which was correctly recommended for fear of mistakes in action.

Provisions begin to get scarce, so much so that our mess is a mere *scramble,* that is to say, he who eats the fastest reaps the best share of a small quantity. The little pork and flour which remained here was nearly out before we came, notwithstanding

Captain E——— talks of leaving some in case of Col. McKee's arrival. Our fare is very ordinary, nothing better than what the French call *grosse sacregienne*, which is Indian corn boiled whole. Tom will make an excellent campaigner, he generally comes off with the best share.

One hundred and twenty-seven Machinac and Saginaw Indians joined the army. They committed depredations and ravished the women in the villages where they had to pass, therefore Captain Bluejacket recommended those who are yet to join may be directed at the Rapids to follow the track of the Otter and his party to the general rendezvous at the Fallen Timber, and not to come this route, as those villages will be destitute of men and under no protection.

Thursday, June 19.

A large number of warriors marched off to-day to join the advanced army and to-morrow the last are to move. The number cannot be exactly ascertained, owing to their irregular distribution until the whole body is together, but it is supposed that the total at present cannot be much less than fifteen hundred.

Wampum, is so very scarce that enough cannot be collected to make up a belt in order to send with Blackbeard to the southern Indians on a matter of the utmost importance. Bluejacket says that the wampum he received was not for the Nuquijake chiefs but for his own purpose, and requests that the little pony may not be delivered to Knaggs, as the said Mr. Knaggs having no manner of claim.

It is to be lamented that five hundred spears could not be procured in time, as it is conjectured that Wayne's dependence is chiefly on his horse and riflemen. I am persuaded myself that spears would be the most effectual instruments to resist cavalry. It has been by invariable opinion that the best plan would be to starve out the garrison and cut off their retreat, considering the situation of the Indians and their active spirit over a vanquished enemy. I have endeavored to imbue this idea; whether it will take I cannot say. My confined latitude obliges me to subscribe my name. J. C.

Camp at the old Fallen Timber, sixty-six miles south of the Glaise.

June 23d, 1794.

We left the Glaise the 20th, and only arrived here this day on account of our being obliged to encamp every day at one or two o'clock in order to give to the hunters, as our whole dependence is upon them for provisions, which they have supplied us hitherto in great abundance. The Otter and his party in their route from Roche de Bout killed forty deers and five bears. Tobacco and ammunition will shortly be wanted, and must be procured as soon as we are able to take a sufficient number of the enemy's horses to send for it. Remains at the Glaise about 140 bushels of corn of the quantity that was purchased from the traders, which amounted in all to about 313 bushels.

Camp at the Old Fallen Timber.

June 24th, 1794.

An express arrived from Buckengellis, the purport of which is that he had determined to take another route to the westward, and join the main army near Fort Recovery, in order to prevent the possibility of the enemy making a sortie on the towns without being discovered. We are now in camp 1,014 men exclusive of the Delawares, and a number of other parties that are daily expected from different quarters, which when together will amount to about 2,000.

Camp at the old Fallen Timber.

Wednesday, June 25th.

Sent off a reconnoitering party towards Fort Greenville, where we understood the main body of the enemy lies. Although Buchengellis' division was to move on the 20th along with the remainder of the Glaise Indians, intelligence is just received that he had not moved on the 24th, a circumstance very extraordinary, and (which)cannot be accounted for excepting the rum that was brought to the Gaise by Roundhead's sister and Ducbouquet's wife had got among them. Fifty Saginaws arrived.

Camp on Kettle Creek, eighty-two miles from the Glaise.

Thursday, June 26th.

This day we marched south by west in open files, leaving an

interval of about ten rods between each; our hunters at the same time scouring the woods on our flanks and ahead of the army. Yesterday deserted from the army seven Indians living at the mouth of the Detroit river. Our hunters espied a scouting party of the enemy dressed like Indians.

Camp ninety computed miles from the Glaise.

Friday, June 27.

Marched this morning from Kettle Creek west about four miles, crossed Darmar's track, and came into a road made by the enemy last winter thirty-four miles in length from Fort Greenville, followed the said road S. S. W. four miles, and encamped about twelve o'clock to give time to the Wyandotts and others in rear to join. Forty Miamies joined. Sent off two parties on a *disconvert*. One of these met a party of Chickasaws, killed one and brought in his scalp.

The White Loon, a Seneca, came from the Ohio and says that a vast number of troops, wagons, etc., came across that river and reached to the forts in number about 3,000. The Delawares have behaved shabbily. We have not yet seen them. We expect the Wyandotts to join to-day. The bearer of this goes off with a green scalp of one of the Chickasaw spies in order to hurry up the rear. Borrowed from Blanchette 73 lbs. of powder and 80 lb. ball to be returned at the rapids two for one. A few days now will produce interesting events.

(*To be Continued*).

ADRIAENS VANDER DONCK'S MAP OF NEW NETHERLAND, 1656

ORIGIN AND ANTIQUITY OF HERALDRY

VI

Continuation of the Consideration of Animals Used in Heraldry, Their Origin and the Sentiments which are Represented by them.

BY HENRY WHITEMORE

THE eagle with two heads is frequent in the arms of other nations. The Macdonalds of the Isles carried for arms, or, a double eagle, displayed gules, surrounded by a lymphad sable, and in the dexter chief points a right hand couped gules; supporters, two bears with arrows sticking in their bodies, all proper; crest, a ram sable standing on a rock azure.

Eagle displayed.

Donald Macdonald, of Meydert, captain of Clan Ronald, carried arms, quarterly, first, argent a lion rampant gules armed, or, second, or, a dexter hand couped in fesse, holding a cross crosslet fitched gules; third, or, a lymphad or galley with the oars saltier-ways, and in base, a salmon naiant in a sea vert; fourth, argent, an oak tree vert, surmounted by an eagle, or; crest, a castle proper; motto, "My hope is constant in thee."

The Donaldsons, being Macdonalds originally, carry the figures of Macdonald, viz: Arms, or, a double eagle with wings displayed, surmounted by a galley or lymphad, sable, armed or

langued gules; in the dexter chief canton a left hand couped of the last; by Alexander Donaldson of Hilton, with a mullet for his difference.

The name Atchinson carries arms, an eagle with two heads displayed sable, or, a chief vert, two mullets or. The chief family of this name was Atchison of Gosford. James Dunlap, of that ilk, carries the same, with a mullet for difference, and crest, a rose proper.

When the eagle has but one head and is displayed, the French do not use the word *eploye,* supposing that posture when the wings are expanded to be natural to the eagle in armories, as the term rampant to the lion; but the term *eploye* they give to the eagle with two heads. The English say, gules, an eagle displayed argent, crowned, beaked, langued and membered azure and decked sable. Decked, or *marquette,* is said of an eagle and other birds when their feathers are trimmed at the edge with a small line or purfel of another tincture.

An eagle displayed with one head is the armorial figure of Carnegie. The principal family of the name was designed of Carnegie from which land occur the surname, and the armorial bearings; or, an eagle displayed azure. John de Carnegie got a charter of confirmation of the lands of Carnegie in the barony of Panmure from King David II. The family of Carnegie of that ilk became extinct, and the next principal family of the name was Carnegie of Kinnard. The first of it was Duthacus, a descendant of Carnegie of that ilk, who got a charter from Robert Duke of Albany, governor of Scotland, of half the lands of Kinnard in 1409.

From him was lineally descended Sir Robert Carnegie of Kinnard. He and his predecessors are said to have been cupbearers to the English kings, and in recognition of this service they carried a cup of gold on their eagle to indicate their office. This Sir Robert Carnegie was sent as ambassador to France by the earl of Arvan, duke of Chatticherault, governor of Scotland, and his grandson Sir David Carnegie of Kinnard, was made, in the year 1595, one of the senators of the College of Justice. By Euphanie, his wife, daughter of Sir David Wemyss of that ilk, he had David his son and successor, and other sons. This

David was also made one of the senators of the College of Justice by King James VI., and afterwards was made a lord of the parliament by the title of Lord Carnegie, in 1616, being again honored by the title of earl of Southesk, the 23d of June, 1633, by King Charles I.

Sir John Carnegie, brother of David 1st of Southesk, bore arms, or, an eagle displayed azure, beaked, armed and membered, sable, within a bordure gules, supported by two leopards, and a demi leopard for crest; motto, *Tache Sans tache* (A work without blemish).

The surname of Ramsay carries arms: an eagle displayed sable, in a field argent, for the reason, it is said that they were originally from Germany. Archibald, earl of Douglass, lord of Galloway, and Annandale, granted a charter in the year 1414, to Michaeli de Ramsay, from whom was descended Sir George Ramsay, of Dalhousie, who was created a lord of parliament by King Charles I., the 19th of June, 1623. William, Earl of Dalhousie, a descendant, had arms, argent, an eagle displayed sable, beaked and membered gules; crest, an unicorn's head, couped, argent and maned or; supporters, two griffins with wings displayed or; motto, *ora et labora*.

The eagle sometimes bore an arms of divers tinctures after the form of partition lines, as also lozenge and cheque. The Kingdom of Moravid of old, and though now but a marquesate, carried arms, azure, an eagle displayed *cheque*, or and gules beaked and membered of the last.

When there are more than three eagles in one field they are termed eaglets, that is, young eagles, except there be an interposition of one or the other of the ordinaries between them. Sir James Balfour, in his blazon, gave the name of Paterson as arms, sable, on a cross cantoned with four lions' heads, erased, argent, five eaglets of the first.

When the eagle or eaglets are represented in arms displayed without beaks and feet, they are then called alerions, and by the Latins, *aquila, mutilae, hoc est rosteris et cruribus exute;* they are said to be carried as marks of voyagers beyond the seas and of wounded soldiers.

The proper position of the eagle is to be displayed, but some-

times it is carried in arms standing, with wings closed, then it is said to be perching; when the wings are somewhat lifted up it is rising. Demi-eagles are either issuant or naissant and their parts, as heads and legs, are either couped or erased.

Sir Robert Marro, of Farlis, Baronet, chief of the name, carries arms, or, an eagle's head erased, gules; crest, an eagle perching; supporters, two eagles, all proper. The first of the name was Donald, a son of Oscar Ro's, a nobleman in the county of Derry, upon the water Ro in Ireland, who came to Scotland with some forces to the assistance of King Malcom II., against the Danes; the king, for his good services, gave him the lands of East-Dengwall, which he called Ferrin Donald—that is Donald's lands.

The Raven. The Danes under the command of Swayen, king of Denmark, conquered England, where they unfurled the standard of the raven. This sign, called the bird of Odin, was believed to announce death to those who fought against it. The Danes, conquerors of England, being still pagans, worshipped the raven and the cormorant (sea-raven) of which they bore the images on their arms, banners, and signets. The black raven was exhibited on the royal shield as a silver ground. The Danes dedicated to the raven several places, which took from it the name of Raven's Wood, Raven's Glass, etc.

The royal seal bearing the bird of Odin, was continued by the Danish dynasty, and stamped on the parchment for the survey of lands imposed by the *Dane-gelt* or Danish tar. This was an imposition of one shilling on every hide of land. That first land-rate known in England had been created, in 981 by Ethelred II. in order to purchase peace from the Danes, who exercised their piratical depredations over Britain. In 1041 the royal seal bearing the black ram was changed to a white falcon (a hawk trained for sport) which was a fashionable bird among the clergy and nobility.

The Raven or Corbie "is a bird of prey called raven," says Gwilleim, "for its rapine, and was the ensign of the Danes when they invaded England. The surname of Corbet in England, carries arms, a carbie (or raven) proper." John Brampton in his "Chronicles of England" mentions the surname with

those that came to England with William the Conqueror; for arms in that age were for the most part canting, and some of that name are very early to be found in English charters. Robert Corbet is a witness in the instrument of inquisition made by David, prince of Cumberland, of the lands belonging to the church of Glasgow, and is also a witness in other deeds of that prince when king of Scotland, commonly called Saint David.

By the Chartulary of Kelso, Walter de Corbet is mentioned as a donor of the church of Markerston to the abbacy of Kelso, of which lands those of this name seem to have been proprietors, as also others being a considerable family. Avicia de Corbet was wife to Richard Murville, high constable of Scotland, who died in 1191, and in the charters of King Alexander II., Nicolaus is frequently to be met with as a witness. The Corbetts also possessed the lands of Arball, in the shire of Ross. Colonel Walter Corbet in the Scots regiment of Foot Guards was the heir male of that family.

Some of the landed gentry of the shires of Lamark and Dumfries, in Scotland, and also in England, used this device in their armorial bearings. Sir John Corbet, of Sloke, in Shropshire, had arms, or, a corbie proper, and Hugh Corbet, of Hardgray, had arms, argent, a raven sable.

Murdoch, of Cumlodden, had for his armorial bearings: arms, —argent, two ravens hanging paleways sable, with an arrow through both their heads fesse-ways; Crest—a raven rising sable, having an arrow thrust through her breast gules, headed and feathered argent; motto—*omnia pro bono.*

The Corrini in Rome had arms, or, a corbie volant, sable, and the Corveroe in Spain had arms, or, five rams volant in saltier sable.

Crows.—These are likewise to be found in armories as relative to the name of the bearer as those of Craw, Crawford, etc.

The Hawk or Falcon.—These of old have adorned the ensigns and other regalia of the ancients, and are frequent in the armorial bearings of noble families. Some writers are of the opinion that they are more excellent in armor than four footed beasts, because they participate in more of the most noble elements, air and fire, than water and earth, as Aldro-

vandus in his "Treatise of Arms" says: "*Praedantiora sunt in ensignibus volatilia ipsis quadrupedibus nam aves aerem, magis & ignem, quae elementorum excellentissima sunt, aquium & terram participant.*" But, as has been observed before, the dignity of armorial figures is not drawn from the nature of the creation, but from the high dignity of the giver of crowns, and the quality of the bearers.

The hawk, or falcon is carried by many eminent families in Germany, as by the Falckensteinii. With the English the surname of Falconer carried for arms, gules, three hawk lures or. Afterwards, Falconer, of Halkerstin, the chief of the name, altered these to arms, or, a falcon's head proper issuing out of a man's heart gules between three stars azure, for the reason that one of the family married a daughter of Douglass, earl of Angus, the heart and star being the armorial figures of Douglass.

In a history of Normandy, published in the latter part of the seventeenth century, the writer says that it was anciently the custom for persons of quality to travel with warlike equipage when they had any military expedition on foot; and with that of the chase when the times were peaceable. Their strong attachments to the latter, and more particularly to hawking may be gathered from the severe laws they made relating to that sport. The bird upon the fist was a mark of great nobility and so sacred was this bird esteemed that we find it prohibited, in the ancient laws for any to give his hawk or his sword as part of his ransom. Severe fines were laid on those who should steal another hawk. Hence we find that the hawk or falcon was in those earlier ages considered the highest degree of nobility. On the outside of the residence of William the Conqueror, adjoining St. Stephen's Abbey at Caen, Normandy, are painted the figures of two of William's sons—Robert and William, each holding a falcon on his fist, and William holding the bird on his left fist is represented as feeding it with his right hand. We have several instances of this custom, having been prevalent among the painters, sculptors and engravers of former times. Robert de Betune, eldest son of Guy, earl of Flanders, was represented in his broad seal with a hawk on his right hand, and

in like manner others were represented on their seal. In the ancient historical tapestry preserved at Bayeux Harold, going on an embassy from Edward the Confessor, to William, Duke of Normandy, appears with a hawk on his fist, and so, in another part of the same tapestry, where he is depicted as on his journey to Eu, in company with George, earl of Pauthiere, who is also then represented with a hawk on his fist. This was also frequently found on the seals of sovereign princesses and ladies of the highest nobility, as that of Margaret, countess of Flanders, wife of Baldwin, earl of Hanault; Joan, daughter of the same earl, and wife of Ferdinand, son of Sanchez, king of Portugal.

Edward the Confessor, surnamed the King of Monks, whose reign began in 1041, although not a sportsman, had a falconry in a wood near to his palace at Westminster, where numerous falcons and hawks were wintered to mew or moult; and hence this reception of cages called mews, took the name of King's Mews.

The Fetterlock and Falcon.—Edmund, earl of Cambridge, the fourth son of King Edward III., being credited duke of York by his nephew Richard II., assumed the badge of a fetterlock shut, bearing a falcon within it (1378). These signs, which were the first speaking arms of the royal house of York, were emblematic of the succession to the crown, from which Edmund

was locked up from all hope; and he added the motto: *Hic, hac, hoc, taceatis,* advising silence and forbearance to his sons. However, Edward IV., of the race of York, ascended to throne in 1161, and unlocked his golden fetterlock; he also created a falcon herald, which office he bestowed on Roger Malett. So fond was the king of this badge, that he built the apartments of

the prebendaries at Windsor in the form of a fetterlock in imitation of Edmund duke of York, who had built the Keep of Fatheringay Castle in that form. In 1474 Edward IV. gave his golden fetterlock, unlocked and open to his second son, Richard, duke of York, implying the hope of succession open to his posterity.

The first to be met with on record of the family and name was Ranulph, son of Walter de Lenop, falconer to King William, as by that king's charter of lands were called Halkerton from his office; and the arms ancient and modern, are related thereto. From him was descended David, Lord Hallerton, whose grandfather, Sir Alexander Falconer, of Halkerton, was the first of the family that was dignified with the title of Lord Halkerton, the 29th of July, 1647; and upon the restoration of King Charles II., he was one of the senators of the College of Justice.

Sir James Falconer, of Phesdo, one of the senators of the College of Justice, carried: arms,—or, a falcon's head issuing out of a man's heart proper, between three stars azure, all within a bordure of the last, charged with eight plates; crest,—a falcon hooded; motto,—*Paratus ad aethera.*

This bird is carried in the same position with the eagle, and hath the same terms, but when it hath a hood, bills, virols, and leishes at its feet it is said to be hooded, billed, fessed and leisbca.

The Cock.—This is used as the emblem of watchfulness and herald of the approaching day and is frequently used in arms and devices; for its nature and royalty it is ensigned with a diadem, singular for its valor and mirth after victory. Heralds are not wanting to make him a complete soldier in courage and armor, *cap-a-pie,* making his comb to stand up for a helmet, his chollars for a husk, his hook-bill for a falchion or cutlas, and his legs armed with spurs. When those are of a different tincture from his body in blazon he is said to be crested and barbed; and for his bill, legs, and spurs, he is said to be armed. The surname of Cock in England carries arms relative to the name; as arms, argent, a cock gules on a chief azure, a cresent between two stars of the first. Cockburn of that Ilk, an ancient

family in the shire of Berwick, carried arms, argent, three cocks gules. Alexander Cockburn, of that ilk, chief of the same in the reign of Robert the Bruce had two wives, and by the first he had a son Ormiston; for his second wife he had the daughter and heiress of the Lord Weapont, and with her he got the lands of Lauton and Carildon on which he got a charter of confirmation of these lands from King David Bruce, after which the family was designed of Lauton, and by his office, (in King Robert II.'s reign) *Custus, Magne, Sigilli;* and by that king Alexander Cockburn de Lautown was made *ostiarius parliamenti;* which office continued in his successors, and afterwards was annexed to the barony of Lawton by a charter of King James IV., Feb. 20th, 1504.

Cockatrice.

Cockburn of Ormiston in East Lothian carried; arms,—argent, a fesse-cheque azure, and of the first between three cocks gules; crest,—a cock of the same; motto,—In dubus constans.

Patrick Cockburn, of Ormiston, kept out the Castle of Dalkeith for King James II., against the earl of Douglass, then a rebel. King James IV., granted a charter of the lands of Ormiston, in 1508, upon John Cockburn, younger of Ormiston, and his spouse, Margaret Hepburn, of whom was lineally descended from Adam Cockburn of Ormiston, one of the senators of the College of Justice.

The Peacock.—This is known as a vain, proud bird, and some English heralds say that it shows the bearer to be an admirer of himself from which the saying *Laudato parvone superbior;* in armories; however, such creations are understood to be carried for their best qualities as for its beauty, as well as relative to the name of the bearer. When the peacock's fan

(or tail) is displayed, he is said to be in his pride. The surname of Peacock carries; arms,—argent three peacocks in their pride proper between as many stars gules; crest,—a peacock's head erased azure gorged with a mural coronet or.

There was one of this name in England—Rignald Peacock, bishop of Chichester, a secular doctor of divinity, who translated the Holy Scriptures into English, in 1547, and wrote several books against the Romish church; being challenged and threatened with persecution he recanted. When the feathers of this bird are down, or close, in blazon, he is said to be close, as in the arms of Francis Smith, Baron Carrington of Wolton, in Warwickshire, who had arms, argent, a cross gules between four peacocks close, azure.

The Parrot.—This bird is frequent in arms, and especially as Menistrier observes, in the old families of Switzerland, occasioned by two great factions there in the year 1262, which were distinguished by their ensigns; the one being a red standard with a white star, and the other, a white standard with a green parrot; and the families concerned in these factions carried in their arms either stars or parrots which they transmitted to their descendants.

Parrots of old were called *papingoes* in England, and were carried by the ancient family of the name of Peddie, as referring to the name. Eustachius Pipdie is a witness in a charter of King Malcom IV. and Stephanus Pipdie, with Allanus de Swinton and Williehnus de Nisbet, are witnesses in the charter of Patricius Comes felius Waldeni Comitis to the monks of Durham, in the reign of King William.

Of this name there was considerable family in East Lathian, Pepdie of Dunglass, who carried arms, argent three *papingoes,* or parrots, vert. This family ended in one heir female, who was married to Home of that ilk, for which the families descended of Home have been accustomed to quarter these arms with their own. The name of Fairfont as relative to the name, carry the *papingoes* or parrots in their arms, argent, a cherum engrailed sable, between three *papingoes,* vert, membered, gules.

Lumley, earl of Scarborough, had for arms, argent a fesse gules, between three parrots, proper, each gorged with a collar

of the second. The surname of this family is from Lumley, on the banks of the river Weir, in the Bishopric of Durham, and the family derives its descent from Lumlph, a person of great account in the time of King Edward, the Confessor. From him was said to be descended Thomas de Lumley, who was made governer of Scarborough Castle, by King Henry VI.; and by Edward IV., was made Lord Lumley by summons to Parliament, for the reason that he married that king's natural daughter; which title Lord Lumley continued in the family till the reign of King James I. of Great Britain. Their title becoming extinct through failure of male issue, was again revived by King Charles II., in the person of Richard, baron, and viscount Lumley of Lumley, and earl of Scarborough.

Cranes are carried in arms as emblems of virtue, and as relative to the name of the bearers. The crane is the emblem of piety and charity, and there are several English and German families who carry that device in their armories. Cranston, Lord of Cranston, carried gules, three cranes argent; crest, a crane sleeping with its head under its wing, lifting up one foot, holding a stone; motto,—thou shalt want ere I want. This family took its name from the lands of Cranston, both in Terviotdale and Lothian, which they possessed of old.

Thomas Cranston, of Mochrie, had gules, three cranes within a bordure unveiled argent; crest, a crane's head erased proper; motto, I desire not to want. Sir John Hall, of Douglass, baronet, had azure a chevron argent, accompanied with three crane's heads erased, or; crest, a crane proper holding in its left foot a stone.

The Swan.—A bird of great beauty and strength. The swan is frequently carried in arms. It is said to be the symbol of learned men and of one that best knows how to contem the world and die with resolution. It is likewise carried as relative to the name of its bearers. The family of Swanbergi in Germany carry, arms, gules, a swan argent, beaked and numbered or. The swan is sometimes collared, and, as heralds say, gorged about the neck with an open crown, with a chain thereto affixed; and as some English heralds call it *cygnet royal,* as in the blazon of Sir Charles Pitsfield of Hoxton in Middlesex, who carried

arms, azure a bent engrailed argent between two cygnets royal proper.

The ensign of the country of Stormand whose capital is Hamburgh, carries arms, gules, a swan argent gorged with a crown or. The family of Swan, of Southfleet and Dentors Court, county Kent, have for their armorial bearings; arms,—azure, a chevron ermine between three swans argent; crest,—a demi talbot, salient, gules collared or. The family of Swanston, of Scotland, carry three swans, with wings endorsed of the field.

King Henry VIII. having reformed the Church of England and consolidated peace at home, went to France and took Bouleyne or Boulogne. English orthography not being yet fixed, this name was then spelt and pronounced Bonleyne. The arms of that city being a white Swan with a Burgundian cross, Henry assumed that badge on his flag, and marshalled it with his arms, Simon Newbolds was then created Bullorgne pursuivant the active intercourse between that baron and London, induced many innkeepers to make the sign of the Bouleyne swan, and one of them, near Smithfield, chose the name of Bonleyne mouth or font. The passage of the French swan into England was simultaneous with the desecration of the seal of the Fisher. This name was applied to the seal of St. Peter, which was stamped on the Roman bulls for the tithes, and the fox denominated Peter-fence in this land, abolished by Henry VIII.

The Pelican, vulnerate, and feeding its young with its blood, has often been used as the emblem of the Savior of the world, and also to denote the affection of parents for their children; and it is frequently used as a device of piety and devotion. Curpus Christi College, in Oxford, had for arms, azure, a pelican feeding her young, or; which was the device of Richard Fox, bishop of Winchester, founder of that college; he was lord privy seal and lord high chancellor of England in the reigns of Henry VII. and Henry VIII.; a great promoter of the marriage between King James IV. of Scotland, and Margaret, the eldest daughter of King Henry VII. of England.

This bird being often used as a pious emblem or device, is sometimes used in place of a crest, but when as an armorial figure in a shield of arms it loses its former representative

character and bespeaks a wily and dangerous foe. The name of Ormeston carries arms argent three pelicans feeding their young argent. Sir Hugh Patterson of Bannockburn had azure three pelicans vulned gules, or a chief embattled azure, as many mullets of the field; crest, a dexter hand holding a quill proper.

Sir Patrick Home, advocate, of Renton and Lumsday, second son of Sir John Home of Renton, sometimes one of the senators of the College of Justice, and justice's clerk, descended from a younger Home of Menderston, had four coats quarterly; first, vert, a lion rampant argent, armored and langued gules for Home; second, argent, three *papingoes* vert, for Pipdie of Dunglass; third, argent, three hunting horns, sable, stringed, gules, for Forrester; fourth, gules, a pelican feeding her young, argent, vulned proper, for the name of Ellen.

Ducks or Cannets.—When ducks are represented without beaks or feet they are called by Favin *martlets*, but Minestries calls them *cannets*, for, says he, "*sont des cannets sans beck, et sans pieds, comme les alerions et les martlets;*" that is, cannets are ducks without beaks and feet, as alerions and martlets, and are distinguished thus: alerions are always displayed and full-faced; whereas cannets have their heads in profile as the martlets, and only differ from martlets in having longer necks and more curving than those of the martlets.

The Martlet, as above stated, is a bird without legs or beak. It is added to the family arms by the fourth of the junior

Martlet.

branches of a family, as the mark of their cadency. By the Latins it is called *meruld*. It is counted one of the birds of passage, that goes to and from different countries at certain seasons of the year, as the plover and dotterd and other birds of

that nature in England, which import expeditions and voyages beyond seas. Of old the martlet was carried by those who went to the Holy Land to fight against the Saracens and Turks. Heralds say that the lock of beaks and feet denote wounds and strokes which the maimed and lame have received in such expeditions and voyages. The English give them legs, but very short and say that they cannot go or rise from the ground for flight as other birds, and so make their visiting place and nests on rocks and castles, from which they easily take their flight. They say also that the martlet is an agreeable mark of difference for younger sons to put them in mind to trust to the wings of virtue and merit, and not to their legs, having no land of their own to set their feet upon.

The name of Houston carries martlets. It is an ancient family early settled in the shire of Linlithgo whose armorial bearings are described as: arms,—or, a chevron chequy, sable and argent between three martlets of the second; crest,—a sand glass winged proper; supporters,—(borne by the family in right of their being ancient hereditary Barons of Scotland)—on either side a greyhound proper, collared and chained, or. Motto,—in time. Regarding the antiquity of this family it is said that one Hugh de Padevinan, obtained lands in Stragriff in the reign of King Malcom IV., which he called after his name Hugh's Town; and which became the surname of his descendants.

The name Baron carried arms, argent, a chevron between three martlets sable; and Baron, of Kinnaird, had arms, or, a chevron sable between three martlets gules, within a double tressure, counter-flowered of the last.

There was a family of the name of Baron (in the Dukedom of Florence) from Scotland; the first of whom accompanied William, brother to Achaius, to assist Charlemagne in his war, who settled in Italy. This family continued for a long time but failed at last. James Luterfoot, doctor of medicine, son of John Luterfoot, writes to the signet, and sometimes keeper of the privy seal, representative of the Luterfoots of Orchil, carried arms, argent, a chevron, gules, between two crescents in chief azure, and a martlet in base sable; crest, a swan proper, on its head a crescent mortant.

THE SWALLOW.—Noted as the harbinger of spring. The swallow is said in armories to denote one that is industrious, prompt and ready to dispatch business. It is a bird of the genus Hirando of many species, among which are the barn swallow and the martin. They have great power of flight and feed mostly on winged insects which they seize while flying. The family of Swallow in England carry arms, barry of four gules and argent; on the last three swallows volant, sable. The family of Arundel in England carry swallows relative to the name; and that of their lands of Arundel in Cornwall from *birundo* a swallow. This family has been eminent in the West of England since the Norman Conquest.

King James I., of Great Britain, in the third year of his reign, to countenance the single merit, in Sir Thomas Arundel, created him a baron of England by the title of Lord Arnuld of Wardow, with limitations of that honor to the heir males of his body; of whom was lineally descended Henry, Lord Arundel, who carried for his paternal arms the above blazon.

THE OWL.—This bird is of the genus strix, that flies chiefly in the night. The popular name is given to a group of nocturnal accipitrine birds comprehended under the Linnae genus Strix which has been sub-divided by later naturalists. Saville, Marquis of Halifax, had for his armorial bearings; arms,—argent on a bend sable three owls of the field; crest.—an owl as in the arms; supporters,—two lines proper, collared and chained or. Motto,—be fast.

Sir George Saville, of Thoonhill, baronet, for his dutiful and loyal support to King Charles I., in 1667, was created Lord Saville and Viscount of Halifax, and thereafter earl, and in 1682 advanced to the dignity of Marquis of Halifax. The Stacys of Nottinghamshire, carried arms, azure on a bend wavy between three owls or, as many fleur-de-lis of the first.

THE PHOENIX.—This fabulous bird is said to exist single, and is represented to be as large as the eagle. It was anciently held that only one existed at the same time, and lived 500 years, and that when its end approached it made a nest which being ignited by the heat of the sun, consumed the bird; but out of the ashes arose another phoenix. The phoenix was often used as an em-

blem of the Resurrection, sometimes with the motto, "*Resurgam.*" In armories it is considered the emblem of long life, piety, and love of children for parents; it is also carried by the name of Phenwick, or Fenwick, as relative to the name. The family of Fenwick, county Northumberland, descended from De Fenevyke, Lord of the Castell, and Tower of Fenwick in the time of Henry I., carried; arms,—per fesse gules and argent six martlets counterchanged; crest,—a phoenix in flames proper gorged with a mural crown; motto,—perit ut vivat.

Colonel George Fenwick one of the original patentees of the Saybrook Colony (afterwards a part of the Connecticut Colony) was a descendant of this family and as the representation of Lords Say and Seal and Lord Brooke, purchased the fort at the mouth of the Connecticut River. For more than two hundred years the body of Lady Fenwick, his wife, lay near the old fort; in later years it was removed to the cemetery near by.

The Griffin.—This chimerical creature has the head, wings and talons of an eagle with the body of a lion, with large ears. It is one of the principal bearings of heraldry, but chiefly as a crest or supporters. Guillim says that it "sets forth the propriety of a valorous soldier, whose magnanimity is such that he will dare all danger, and even death itself, rather than become captive." It is also symbolical of vigilancy and was made use of by the Phoenicians as an emblem.

Others claim that the griffin is the symbol of ecclesiastical and civil authority joined together; the first shown by the fore part of the eagle, and the civil power by the hind part of the lion. Still other authorities claim that the griffin by its fore parts represents wisdom joined to fortitude which should follow wisdom. It is frequent in arms, especially with the Germans. Those who have been, or are vassals and dependents and carry a line for their proper arms, whose own lords and patrons carried eagles, frequently carried this creation as composed of both.

(*To be Continued*).

ANNOUNCEMENT

American Historical Magazine for 1908

Beginning with the third volume of the AMERICAN HISTORICAL MAGAZINE, many distinct improvements will be made in the periodical.

The size of the printed page has been enlarged, and the wide margin so much desired by book lovers will be used. Each issue during the year will have at least one hundred and twelve pages, and some issues may considerably exceed that number of pages of reading matter. A strong feature of the magazine is that it gives more pages of purely reading text than any other of the current magazines, and at the same time is not so overladen with extraneous matter that it is bulky and disagreeable to handle.

It is a purely historical magazine and in the special field which it aims to cover, it has no superior in the United States as respects the variety and the high literary character of its contents.

A particularly valuable feature of the magazine will be its illustrations. Heretofore occasional illustrations, in the form of steel plates and half-tones have been published, but during 1908 this illustration department will be very considerably

expanded. There will be full page steel plates and photographic reproductions in every number, and also numerous illustrations in connection with the text. In its general use of steel plates the magazine will stand alone among current periodicals, none others having recourse to this expensive and artistic method of illustrating.

A PICTORIAL HISTORY OF LINCOLN

In the line of illustration, a contribution that will be of extraordinary historical importance will be "A PICTORIAL LIFE OF LINCOLN," which is begun in the January number with three steel plates and will be continued in successive numbers. A full account of this remarkable series of Lincoln pictures appears on one of the pages of the January number.

PORTRAITS OF REPRESENTATIVE AMERICANS

Scarcely of secondary value and interest is the "REPRESENTATIVE AMERICANS" series of portraits, which also will be a conspicuous feature of the magazine for the year. These are reproductions from silver point drawings made especially for the American Historical Magazine, by the eminent portrait painter, Carl J. Becker. In the January number are portraits of President Roosevelt and Joseph H. Choate, lawyer, publicist and diplomat. In subsequent numbers will follow similar portraits of other Americans distinguished in the professional and industrial life of the United States.

ON THE READING PAGES

The literary contributors of the magazine during the year will include some of the foremost writers on American historical subjects.

The series of "POST-REVOLUTION LETTERS" which have been published during several issues of 1907, will be continued in the early issues of 1908.

Papers on the "LOYALISTS OF THE REVOLUTIONARY PERIOD" will be contributed by the Viscount de Fronsac, whose article on the Honorable Matthew Forsyth is the leader in the January number.

The papers on "HERALDRY," by Henry Whittemore, the first of which appears in the January number, will continue during the year.

Chapters of the "BOOK OF BRUCE," by Lyman Horace Weeks, the first of which was published in the issue for November, 1907, will be continued in successive numbers of the magazine for 1908. Each installment of this interesting and valuable history of the Bruce family will be accompanied with steel plates and there will also be several colored plates in connection therewith.

Theodore Schroeder, the great authority on "MORMONISM," will contribute papers on that subject. A series of several controversial articles treating this subject from the mormon point of view and written by eminent mormon authorities has been engaged.

Descriptions of old New York City and of other historical localities from the pen of James V. Enton will appear from time to time.

In an early number will be an exceedingly valuable and interesting article on "EARLY MASSACHUSETTS NEWSPAPERS," by Lyman Horace Weeks, the editor of the magazine. This will be a historical review of the beginning of printing in New England, and will be accompanied with reprints of several

of the first issues of the Boston News-Letter, the first American newspaper, and also of several of the broadsides that preceded the appearance of that periodical. This article will be illustrated with several reproductions of the early provincial prints.

Delia A. McCulloch, whose historical articles are familiar to readers of the magazine will be heard from frequently in 1908. She is now preparing for the magazine an article on "PROMINENT MEN IN THE BATTLE OF POINT PLEASANT," and this will be followed by the other papers from her pen.

Don E. Mowry, whose article on "Political Aspects of the National Judiciary," appears in the January number will follow this with another paper on the same subject, during Marshall's chief justiceship, 1801-1805.

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reproductions in every number, and also numerous illustrations in connection with the text. In its general use of steel plates the magazine will stand alone among current periodicals, none others having recourse to this artistic but at the same time very expensive method of illustrating.

A PICTORIAL LIFE OF LINCOLN

In the line of illustration, a contribution that will be of extraordinary historical importance will be "A PICTORIAL LIFE OF LINCOLN," which was begun in the January number with three steel plates and will be continued in successive numbers. A full account of this remarkable series of Lincoln pictures appears on one of the pages of the January number.

PORTRAITS OF REPRESENTATIVE AMERICANS

Scarcely of secondary value and interest is the "REPRESENTATIVE AMERICANS" series of portraits, which also will be a conspicuous feature of the magazine for the year. These are reproductions from silver point drawings made especially for the American Historical Magazine, by the eminent portrait painter, Carl J. Becker. In the January number were portraits of President Roosevelt, and Joseph H. Choate, lawyer, publicist and diplomat. In subsequent numbers will follow similar portraits of other Americans distinguished in the professional and industrial life of the United States.

ON THE READING PAGES

The literary contributors of the magazine during the year will include some of the foremost writers on American historical subjects.

The series of "POST-REVOLUTION LETTERS" which have been published during several issues of 1907, have been continued in the early issues of 1908.

ANNOUNCEMENT

Papers on the "LOYALISTS OF THE REVOLUTIONARY PERIOD" will be contributed by the Viscount de Fronsac, whose article on the Honorable Matthew Forsyth was the leader for the January number.

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Chapters of the "BOOK OF BRUCE," by Lyman Horace Weeks, the first of which was published in the issue for November, 1907, will be continued in successive numbers of the magazine for 1908. Each installment of this interesting and valuable history of the Bruce family will be accompanied with steel plates and in addition there will be several colored plates in connection therewith.

Theodore Schroeder, the great authority on "MORMONISM," will contribute papers on that subject. A series of several controversial articles treating this subject from the mormon point of view and written by eminent Mormon authorities has been engaged. One of the most important of these papers will be from the pen of B. H. Roberts a member of the First Council of Seventies.

Descriptions of old New York City and of other historical localities from the pen of James V. Enton will appear from time to time.

In the March number is an exceedingly valuable and interesting article on "EARLY MASSACHUSETTS NEWSPAPERS," by Lyman Horace Weeks, the editor of the magazine. This is an historical review of the beginning of printing in New England, and is accompanied with reprints of several of the first issues of the Boston News-Letter, the first American

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Delia A. McCulloch, whose historical articles are familiar to readers of the magazine will be heard from frequently in 1908. She is now preparing for the magazine an article on "PROMINENT MEN IN THE BATTLE OF POINT PLEASANT," and this will be followed by the other papers from her pen.

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One of the most important papers that will appear in the magazine during the year and undoubtedly one of the most notable that has been in recent times contributed to historical literature, will be "DOUGLAS, LINCOLN AND THE NEBRASKA BILL," by Albert Watkins of Lincoln, Nebraska. In this paper Mr. Watkins reviews thoroughly and forcibly the controversy between Lincoln and Douglas over the anti-slavery question, and he takes a very pronounced position in giving to Douglas a meed of approbation and endorsement for the position that he maintained in that crucial period of the country's history, such as has not heretofore been accorded him. Mr. Watkins argues from declarations on the subject by the statesmen of that period and from other historical evidence, and makes out an exceedingly strong case that if the principles and political policies of Douglas had been followed the slavery question probably would have been ultimately settled without the occurrence of the Civil War. The paper is likely to create a great deal of interest and provoke discussion in regard to a question which is still, in the minds of historians, a debatable one.

ANNOUNCEMENT

American Historical Magazine for 1908

Beginning with the third volume of the American Historical Magazine, many very pronounced improvements have been made in the periodical.

The size of the printed page has been enlarged, and the wide margin so much desired by book lovers is used. Each issue during the year will have at least one hundred and twelve pages, and some issues may considerably exceed that amount of reading matter. A strong feature of the magazine is that it gives more pages of purely reading text than any other current periodical, and at the same time is not so overladen with extraneous matter that it is bulky and disagreeable to handle.

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LYMAN HORACE WEEKS, Editor

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Vol. 3 MARCH, 1908 No. 2

AMERICAN HISTORICAL MAGAZINE

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Vol. 3 NOVEMBER, 1908 No. 6

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